Supreme Court, U. S.
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Volume II—Exhibits
APPENDIX

In the Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-848

THOMAS U. GREER, Commander,
Fort Dix Military Reservation,
JAMES R. SCHLESINGER, Secretary of Defense,
Petitioners,

—v.—

BENJAMIN SPOCK, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR WRIT OF CERTIORARI FILED JANUARY 10, 1975
CERTIORARI GRANTED APRIL 14, 1975

In the Supreme Court of the United States

OCTOBER TERM, 1974

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Fort Dix Military Reservation,
JAMES R. SCHLESINGER, Secretary of Defense,
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UNITED STATES COURT OF APPEALS
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PLAINTIFFS' EXHIBIT 2A

Photograph of Plaintiffs Ginaven and Misch Distributing Pamphlets, Just Prior to Their Arrest, Inside Wrightstown, New Jersey, Entrance to Fort Dix

[See page E-2]

E-2

PLAINTIFFS' EXHIBIT 7 E-3

Army Times, Page 15 (October 11, 1972)

Why President Nixon is the man to watch your tax dollars.

When someone talks about "reforming" the tax structure, the first question that comes to mind is: how? President Nixon says reform must be broad-based, very fair, very equitable. Senator McGovern wants to go far beyond that. He wants to "redistribute income." Whose income? The middle class—hardly folks with money to burn.

But then again, a "President" McGovern would need lots of money for running the government. He has said he would give $1,000 to every American, whether it's needed or not. He has said that jobs should be held by everyone—even if the government has to create them. He has a program which, according to the Office of Management and Budget, would cost the taxpayers $150 billion *above* what's being spent today.

Extravagant, to be sure. Senator McGovern's extravagance does *not* extend to the military. That's one area in which he talks about budget *cuts*—$32 billion worth of cuts. One result of these would be the closing of some 500 bases in a single year.

So...under George McGovern the serviceman and his family face the prospect of a closed base... a higher tax burden...a militarily weaker America... and who knows what else.

President Nixon—now more than ever? It's something to think about.

Here's how to vote for President Nixon: Contact your unit voting officer for your Federal Post Card Application (FPCA—Standard form 76). Your voting officer will answer your questions.

President Nixon. Now more than ever.

PLAINTIFFS' EXHIBIT 7A

Entrance to Fort Dix on New Jersey Route 68

EXHIBIT D-3A - COST COMPUTATION OF SPOCK CAMPAIGN VISIT

DISPOSITION FORM

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

REFERENCE OR OFFICE SYMBOL	SUBJECT
AUBOM:	Dr. Spock's Campaign Visit

TO Provost Marshal FROM Operations Officer DATE 29 Jan 73 CMT 1

Military Police Personnel who performed other than normal duty during Dr. Spock's campaign visit on Fort Dix on 4 Nov 72

06	05	04	03	02
78.25	60.75	49.50	118.25	31.50
Col. Olsen	LTC White	MAJ Beattie	CPT Jackson CPT Kaminsky CPT Kelly	1LT Morrison
76.50	31.25	60.00	25.50	39.00
01	E-8	E-7	E-6	E-5
2LT Cole 2LT Wilt 2LT Riley	MSG Scaniffe	SFC Duckett SFC Clements	SSG Pike	SGT Gruner SGT McCroy
165.00				
E-4	E-3			Totals
28.00		165.00		
Mitchell	Duttry	McGowan		06 - 1
Miller	Glace	Melchior		05 - 1
Humphrey	Russell	Pollinger		04 - 1
Goss	Kruger	Smith, Robert W.		03 - 3
Sutton	Lubinski	Young, J.R.		02 - 1
Hagan	Stroman	Cross		01 - 1
Jones, P.O.	Vanhise	Thornton		E8 - 1
Reyes, P. Jr.	Santucci	Pastua		E7 - 2
Caniff	Cox, Robert T.	Pride		E6 - 1
Caudill, V.G.	Goodrow	Sallis		E5 - 2
Hewnell	Martz	O'Connell		E4 - 14
Thompson, R.				E3 - 22
Fletcher		E-2 17.00		E2 - 2
Callmway				
		Dixon, S.D.		
		Clenn, A.D.		

DEFENDANT'S EXHIBIT 3A C 621-72

RONALD G. BEATTIE
MAJ, MPC
Operations Officer

Total cost 1143.50

DA FORM 1 FEB 62 2496 REPLACES DD FORM 96, EXISTING SUPPLIES OF WHICH WILL BE ISSUED AND USED UNTIL 1 FEB 63 UNLESS SOONER EXHAUSTED.

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EXHIBIT D-4A - EXCHANGE SERVICE BULLETIN

DEPARTMENTS OF THE ARMY AND THE AIR FORCE
HEADQUARTERS ARMY AND AIR FORCE EXCHANGE SERVICE
DALLAS, TEXAS 75222

Exchange Service Bulletin
No. 21 (65-1)

22 March 1972

PROCUREMENT AND SALE OF
UNSUITABLE/OFFENSIVE MATERIAL
(Expires 31 March 1973)

REFERENCES.

1. AR 210-10, Installations, Administration.

2. AFR 35-15, Military Personnel, Dissident and Protest Activities.

3. References 1 and 2 implement DOD Directive 1325.6, Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces. They prescribe departmental policy concerning the distribution of publications on military installations.

PURPOSE AND APPLICABILITY.

4. This directive provides general guidelines that may aid in the reduction/elimination of procurement of objectionable/offensive material for exchange sale. It is applicable worldwide.

POLICY.

5. AAFES personnel will not take any action that might be construed as censorship or passing of moral judgment on publications, recordings, greeting cards or other items offered for sale by exchanges. They will, however, refer to installation commanders for review and appropriate guidance, consistent with the policy of the Department of Defense and the military departments (DOD Directive 1325.6, AR 210-10, AFR 35-15), those items to which customers have taken exception as being unsuitable for sale in exchanges.

6. Items which the installation commander officially determines to be unsuitable for sale in the exchange will be removed from sale. Positive action will be taken by AAFES purchasing activities to discontinue procurement of such items.

7. Reply to any inquiry from vendors or individuals concerning the reason for removal from sale or the discontinuance of procurement of any item will cite the advice received from the installation commander. AAFES employees will not engage in discussion, orally or in writing, about the merits of the items so affected.

FOR THE COMMANDER:

Harold E. Gross
HAROLD E. GROSS
Colonel, USAF
Chief of Staff

OPR: MP

DISTRIBUTION: A, B, C, D, E, E – RA, F, S

DEFENDANT'S EXHIBIT 44 10-21-72

EXHIBIT D-19A - DEPARTMENT OF DEFENSE DIRECTIVE
1325.6

September 12, 1969
NUMBER 1325.6

ASD(M&RA)

Department of Defense Directive

SUBJECT Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces

References: (a) U. S. Constitution, First Amendment
(b) Title 50, U. S. Code Appendix, Section 462
(c) Title 18, U. S. Code, Sections 1381, 2387, 2385, 2388
(d) Title 10, U. S. Code, Chapter 47 (Uniform Code of Military Justice)
(e) DoD Directive 1334.1, "Wearing of the Uniform," August 11, 1969

I. PURPOSE AND APPLICABILITY

This Directive provides general guidance governing the handling of dissident activities by members on active duty of the Army, Navy, Air Force, and Marine Corps. Specific problems can, of course, be resolved only on the basis of the particular facts of the situation and in accordance with the provisions of applicable Department regulations and the Uniform Code of Military Justice.

II. POLICY

It is the mission of the Department of Defense to safeguard the security of the United States. The service member's right of expression should be preserved to the maximum extent possible, consistent with good order and discipline and the national security. On the other hand, no Commander should be indifferent to conduct which, if allowed to proceed unchecked, would destroy the effectiveness of his unit. The proper balancing of these interests will depend largely upon the calm and prudent judgment of the responsible Commander.

EXHIBIT D-19A

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III. SPECIFIC GUIDELINES

The following guidelines relate to principal activities in this area which the Armed Forces have encountered:

A. Possession and Distribution of Printed Materials

1. A Commander is not authorized to prohibit the distribution of a specific issue of a publication distributed through official outlets such as post exchanges and military libraries. In the case of distribution of publications through other than official outlets, a Commander may require that prior approval be obtained for any distribution on a military installation in order that he may determine whether there is a clear danger to the loyalty, discipline, or morale of military personnel, or if the distribution of the publication would materially interfere with the accomplishment of a military mission. When he makes such a determination, the distribution will be prohibited.

2. While the mere possession of unauthorized printed material may not be prohibited, printed material which is prohibited from distribution shall be impounded if the Commander determines that an attempt will be made to distribute.

3. The fact that a publication is critical of Government policies or officials is not, in itself, a ground upon which distribution may be prohibited.

B. Off-Post Gathering Places. Commanders have the authority to place establishments "off-limits," in accordance with established procedures, when, for example, the activities taking place there, including counselling members to refuse to perform duty or to desert, involve acts with a significant adverse effect on members' health, morale, or welfare.

C. Servicemen's Organizations. Commanders are not authorized to recognize or to bargain with a so-called "servicemen's union."

D. Publication of "Underground Newspapers." Personal writing for publication may not be pursued during duty hours, or accomplished by the use of Government or non-appropriated fund property. While publication of "underground newspapers" by military personnel off-post, on their own time and with their own money and equipment, is not prohibited, if such a publication

contains language the utterance of which is punishable under Federal law, those involved in the printing, publication, or distribution may be disciplined for such infractions.

E. On-Post Demonstrations and Similar Activities. The Commander of a military installation shall prohibit any demonstration or activity on the installation which could result in interference with or prevention of orderly accomplishment of the mission of the installation, or present a clear danger to loyalty, discipline, or morale of the troops. It is a crime for any person to enter a military reservation for any purpose prohibited by law or lawful regulations, or for any person to enter or re-enter an installation after having been barred by order of the Commander (18 U. S. C. 1382).

F. Off-Post Demonstrations by Members. Members of the Armed Forces are prohibited from participating in off-post demonstrations when they are on duty, or in a foreign country, or when their activities constitute a breach of law and order, or when violence is likely to result, or when they are in uniform in violation of DoD Directive 1334.1 (reference (e)).

G. Grievances. The right of members to complain and request redress of grievances against actions of their commanders is protected by Article 138 of the Uniform Code of Military Justice. In addition, a member may petition or present any grievance to any member of Congress (10 U. S. C. 1034). An open door policy for complaints is a basic principle of good leadership, and Commanders should personally assure themselves that adequate procedures exist for identifying valid complaints and taking corrective action.

IV. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Two (2) copies of implementing regulations shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within ninety (90) days.

Secretary of Defense

Enclosure - 1
Constitutional and Statutory Provisions

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CONSTITUTIONAL AND STATUTORY PROVISIONS RELEVANT TO HANDLING OF DISSIDENT AND PROTEST ACTIVITIES IN THE ARMED FORCES

A. Constitution: The First Amendment, U.S. Constitution, provides as follows:

> "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

B. Statutory Provisions:

1. Applicable to All Persons

a. 18 U.S.C. § 1381 -- Enticing desertion.

b. 18 U.S.C. § 2385 -- Advocating overthrow of the Government.

c. 18 U.S.C. § 2387 -- Counselling insubordination, disloyalty, mutiny, or refusal of duty.

d. 18 U.S.C. § 2388 -- Causing or attempting to cause insubordination.

e. 50 U.S.C. App. § 462 -- Counselling evasion of the draft.

2. Applicable to Members of the Armed Forces

a. 10 U.S.C. § 917 (Article 117, UCMJ) -- Provoking speech or gestures.

b. 10 U.S.C. § 882 (Article 82, UCMJ) -- Soliciting desertion, mutiny, sedition, or misbehavior before the enemy.

c. 10 U.S.C. § 904 (Article 104, UCMJ) -- Communication or corresponding with the enemy.

d. 10 U.S.C. § 901 (Article 101, UCMJ) -- Betraying a countersign.

e. 10 U.S.C. § 888 (Article 88, UCMJ) -- Contemptuous words by commissioned officers against certain officials.

f. 10 U.S.C. § 889 (Article 89, UCMJ) -- Disrespect toward his superior commissioned officer.

g. 10 U.S.C. § 891 (Article 91, UCMJ) -- Disrespect toward a warrant officer or noncommissioned officer in the execution of his office.

h. 10 U.S.C. § 892 (Article 92, UCMJ) -- Failure to obey a lawful order or regulation.

i. 10 U.S.C. § 934 (Article 134, UCMJ) -- Uttering disloyal statement, criminal libel, communicating a threat, and soliciting another to commit an offense.

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EXHIBIT D-19A - DEPARTMENT OF DEFENSE DIRECTIVE
1344.10

September 23, 1969
NUMBER 1344.10

ASD(M&RA)

Department of Defense Directive

SUBJECT Political Activities by Members of the Armed Forces

References: (a) Joint Agreement between the War and Navy Departments, dated 13 March 1944, subject: "Participation of Members of the Armed Services in Political Campaigns" (hereby cancelled)
(b) 10 U.S.C. 101(8)
(c) 50 U.S.C. 1475; 18 U.S.C. 592, 593, 594, 596, 602, 603, 606, 607, 608 - Enclosure 2
(d) 10 U.S.C. 973(b)
(e) Article 88, Uniform Code of Military Justice, 10 U.S.C. 888
(f) DoD Directive 1334.1, "Wearing of the Uniform," August 11, 1969
(g) DoD Directive 5210.9, "Military Personnel Security Program," June 19, 1956
(h) DoD Directive 1325.6, "Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces" September 12, 1969

I. PURPOSE AND APPLICABILITY

This Directive governs the political activities of members on active duty of the Army, Navy, Air Force, Marine Corps, and by agreement with the Secretary of Transportation, the Coast Guard. Its provisions apply to the Military Departments and in the case of Coast Guard, the Department of Transportation.

II. CANCELLATION

Reference (a) is hereby superseded and cancelled.

EXHIBIT D-19A

III. DEFINITIONS

A. Partisan Political Activity is activity in support of or related to candidates representing, or issues specifically identified with, National or State political parties and associated or ancillary organizations.

B. Non-partisan Political Activity is activity in support of or related to candidates not representing, or issues not specifically identified with, National or State political parties and associated or ancillary organizations. (Issues relating to Constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with National or State political parties.)

C. Active Duty is full-time duty in the active military service of the United States for a period of more than 30 days.

D. Civil Office is an office, not military in nature, that involves the exercise of the powers or authority of civil government. It may be either an elective or an appointive office under the United States, a Territory or Possession, or a State, county, or municipality, or official subdivision thereof. The term "civil office" shall not include offices to which military personnel may be assigned in a military status.

E. Full-Time Service is any service in connection with a civil office that is likely to interfere with regular military duties.

F. Secretary Concerned. As used herein, the term has the same meaning as reference (b).

IV. POLICY GUIDELINES

A member of the Armed Forces (hereinafter referred to as "member") is expected and encouraged to carry out his obligations as a citizen, but while he is on active duty he is prohibited by paragraph 3 of enclosure 1 in certain circumstances from becoming a candidate for or holding civil office, and in engaging in partisan political activities. Subject to paragraph 3 of enclosure 1, the Secretaries concerned will issue instructions consistent with the following general principles:

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Exhibit D-19A - Department of Defense Directive
1344.10

Continuation of IV.

A. General

1. A member may:

a. Register, vote, and express his personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

b. Make monetary contributions to a political organization.

c. Attend partisan as well as non-partisan political meetings or rallies as a spectator when not in uniform.

2. A member may not:

a. Use his official authority or influence for the purpose of interfering with an election, or affecting the course of its outcome, or of soliciting votes for a particular candidate or issue, or of requiring or soliciting political contributions from others.

b. Be a candidate and hold civil office except under the conditions set forth in B. and C. below.

c. Participate in partisan political management, campaigns, or conventions.

d. Make campaign contributions to a partisan political candidate, to another member of the Armed Forces, or to an employee of the Federal Government.

3. To assist in applying the foregoing general provisions to particular factual situations, enclosure 1 contains representative examples of political activities which are deemed permissible or prohibited. These guidelines do not supersede other related Department of Defense directives, such as the instructions contained in references (f), (g), and (h), but are to be used in conjunction with them.

4. Enclosure 2 contains a summary of Federal statutes prohibiting certain types of political activities by members of the Armed Forces.

Exhibit D-19A Department of Defense Directive
Continuation of IV. 1344.10

B. Candidacy for Elective Office

1. A member subject to this Directive may not campaign as a partisan candidate for nomination or as a partisan nominee for civil office. However, where the circumstances justify, the Secretary concerned or his designee may permit the member to file such evidence of his nomination or candidacy for nomination as may be required by law. Such permission shall not authorize activity while on active duty that is otherwise prohibited by this Directive.

2. A member may not become a non-partisan candidate for any civil office requiring full-time service while serving an initial tour of extended active duty or a tour of extended active duty that the member agreed to perform as a condition to receive schooling, or other training wholly or partly at the expense of the United States.

C. Release of Military Personnel Elected or Appointed to Civil Office

1. Officers on the active list of a regular component of an Armed Force may not hold a civil office, except as otherwise provided by law. The acceptance of such a civil office or the exercise of the functions of the office terminates the officer's military appointment as provided by reference (d).

2. Officers on the active list of a reserve component of an armed force and enlisted personnel who are elected as a partisan candidate to any civil office or as a non-partisan candidate to a civil office requiring full-time service, or who are appointed to a civil office requiring full-time service may be retired, discharged, or released to inactive duty, as may be appropriate. However, such officers and members will not be retired, discharged, or released to inactive duty if they are serving an initial tour of extended active duty or a tour of extended active duty that the member agreed to perform as a condition to receiving schooling, instruction, or other training, wholly or partly at the expense of the United States.

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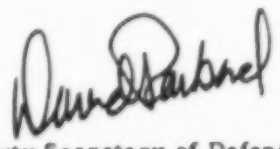
V. IMPLEMENTATION AND EFFECTIVE DATE

A. This Directive will be effective sixty (60) days from the date of issuance.

B. Two (2) copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within sixty (60) days.



Deputy Secretary of Defense

Enclosures - 2
1. Political Activities; Supplemental Guidelines
2. List of Statutes

1. Purpose. This Enclosure provides guidance with respect to the implementation of this Directive.

2. Examples of Types of Political Activity Permitted. In accordance with the policies established in Section IV., a member on active duty may:

a. Register, vote, and express a personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

b. Promote and encourage other military personnel to exercise their franchise, provided such promotion does not constitute an attempt to influence or interfere with the outcome of an election.

c. Join a political club and attend its meetings when not in uniform.

d. Serve in a local part-time non-partisan civil office, appointive or elective, e.g., chairman P.T.A., provided the requirements of the office do not interfere with military duties and the member receives the prior approval of the Secretary concerned or his designee.

e. Serve as an election official, provided such service is not as a representative of a partisan political party, does not interfere with military duties, is performed while out of uniform, and has the prior approval of the Secretary concerned, or his designee.

f. Sign a petition for specific legislative action or a petition to place a candidate's name on an official election ballot, provided the signing thereof does not obligate the member to engage in partisan political activity and is taken as a private citizen and not as a representative of the Armed Forces.

g. Write a letter to the editor of a newspaper expressing the member's personal views concerning public issues, provided those views do not attempt to promote a partisan political cause.

h. Write a personal letter, not for publication, expressing preference for a specific political candidate or cause, provided the action is not part of an organized letter-writing campaign in behalf of a partisan political cause or candidate.

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i. Make monetary contributions to a political party or political committee favoring a particular candidate or slate of candidates subject to the limitations of sections 607 and 608 of title 18, United States Code.

j. Display a political sticker on his or her private automobile.

3. Types of Activities Prohibited. In accordance with the statutory restrictions set forth in reference (c) and the policies established in Section IV., a member on active duty shall not:

a. Use official authority or influence for the purpose of interfering with an election, affecting the course or outcome thereof, soliciting votes for a particular candidate or issue or requiring or soliciting political contributions from others.

b. Be a partisan candidate for civil office, Federal, State, or local except under the conditions set forth in Section IV, of this Directive, or engage in public or organized solicitation of others to become partisan candidates for nomination or election to civil offices.

c. Participate in partisan political management or campaigns, or make public speeches in the course thereof.

d. Make a campaign contribution to another member of the Armed Forces or to a civilian officer or employee of the United States for the purpose of promoting a political objective or cause.

e. Solicit or receive a campaign contribution from another member of the Armed Forces or from a civilian officer or employee of the United States for the purpose of promoting any political objective or cause.

f. Allow or cause to be published partisan political articles signed or authored by the member for the purpose of soliciting votes for or against a partisan political party or candidate.

g. Serve in any official capacity or be listed as a sponsor of a partisan political club.

h. Speak before a partisan political gathering of any kind to promote a partisan political party or candidate.

i. Participate in any radio, television, or other program or group discussion as an advocate of a partisan political party or candidate.

j. Conduct a political opinion survey under the auspices of a partisan political group, or distribute partisan political literature.

k. Use contemptuous words against the office holders described in reference (e), or participate in the activities proscribed by reference (g).

l. Perform clerical or other duties for a partisan political committee during a campaign or on election day.

m. Solicit or otherwise engage in fund raising activities in Federal offices or facilities, including military reservations, for a partisan political cause or candidate.

n. March or ride in a partisan political parade.

o. Display a large political sign, banner, or poster on the top or side of his or her private automobile (as distinguished from a political sticker).

p. Participate in any organized effort to provide voters with transportation to the polls if the effort is organized by or associated with a partisan political party or candidate.

q. Sell tickets for or otherwise actively promote political dinners and other such fund-raising events.

r. Attend, as official representatives of the Armed Forces, partisan political events even though they do not actively participate.

4. Activities Not Expressly Allowed or Prohibited. Some activities not expressly prohibited would be contrary to the spirit and the intent of the Directive. In determining whether or not an activity violates the traditional concept that military personnel must not engage in partisan political activity, rules of reason and common sense will apply. Any activity that could be interpreted as associating the Departments of Defense or Transportation, in the case of the Coast Guard, or any element thereof directly or indirectly with a partisan political cause or candidate must be avoided.

5. Non-Partisan Political Activity. The Directive does not preclude participation in local non-partisan political campaigns. However, a member taking part in local non-partisan political activity shall not:

a. Wear a uniform while campaigning or use any property or facilities of the Government in the campaign.

b. Allow participation to interfere with or prejudice performance of military duties.

c. Engage in conduct which would in any way imply that the Department concerned or any element thereof is taking a position or is involved in the campaign.

6. Members on Active Duty for Training. The Directive does not apply to members on active duty for training who are serving for a period of not more than 30 days. While on such active duty for training, however, a member is expected to:

a. Give full time and attention to the performance of military duties during prescribed duty hours.

b. Avoid any outside activities that would be prejudicial to the performance of military duties or inconsistent with the accepted traditions of the Armed Forces.

c. Refrain from participating in any political activity while in military uniform, or using government facilities in furtherance of political activities.

Statutory Prohibitions Pertaining to Political Activity by Members of the Armed Forces

Members of the Armed Forces are prohibited from certain types of political activity by statutes which prescribe specific penalties for violation. Most directly applicable are the several sections of United States Code quoted as follows:

"Title 50, U.S.C., § 1475. Undue influence; free discussion

"It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the Armed Forces (1) to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate, or (2) to require any member of the Armed Forces to march to any polling place or place of voting, but nothing in this chapter shall be deemed to prohibit free discussion regarding political issues or candidates for public office. Aug. 9, 1955, c. 656, Title III. § 305, 69 Stat. 589."

"Title 18, U.S.C., § 592. Troops at polls

"Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

"This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote. June 25, 1948, c. 645, 62 Stat. 719."

"Title 18, U.S.C., § 593. Interference by armed forces

"Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

"Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any

qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

"Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

"Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

"Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties--

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

"This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district. June 25, 1948, c. 645, 62 Stat. 719."

"Title 18, U.S.C., § 594. Intimidation of voters

"Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and Possessions at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both. June 25, 1948, c. 645, 62 Stat. 7

"Title 18, U.S.C., § 596, Polling armed forces

"Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or State law, with reference to his choice of or his vote for any

candidate, or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"The word 'poll' means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form. June 25, 1948, c. 645, 62 Stat. 720."

"Title 18, U.S.C., § 602. Solicitation of political contributions

"Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or indirectly solicits, receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person, shall be fined not more than $5,000 or imprisoned not more than three years or both. June 25, 1948, c. 645, 62 Stat. 722."

"Title 18, U.S.C., § 603. Place of solicitation

"Whoever, in any room or building occupied in the discharge of official duties by any person mentioned in section 602 of this title, or in any navy yard, fort, or arsenal, solicits or receives any contribution of money or other thing of value for any political purpose, shall be fined not more than $5,000 or imprisoned not more than three years, or both. June 25, 1948, c. 645, 62 Stat. 722; Oct. 31, 1951, c. 655; § 20(b), 65 Stat. 718."

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"Title 18, U.S.C., §606. Intimidation to secure political contributions

"Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than $5,000 or imprisoned not more than three years, or both. June 25, 1948, c. 645, 62 Stat. 722."

"Title 18, U.S.C., §607. Making political contributions

"Whoever, being an officer, clerk, or other person in the service of the United States or any department or agency thereof, directly or indirectly gives or hands over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object, shall be fined not more than $5,000 or imprisoned not more than three years, or both. June 25, 1948, c. 645, 62 Stat. 722."

"Title 18, U.S.C., §608. Limitations on political contributions and purchases

"(a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of $5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office, including the offices of President of the United States and Presidential and Vice Presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in any Territory or Possession of the United States.

ExhibitD-19A - Department of Defense Directive
1344.10 1344.10(Encl 2)
Sept 23, 69

"(b) Whoever purchases or buys any goods, commodities, advertising, or articles of any kind or description, the proceeds of which, or any portion thereof, directly or indirectly inures to the benefit of or for any candidate for an elective Federal office including the offices of President of the United States, and Presidential and Vice Presidential electors or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"This subsection shall not interfere with the usual and known business, trade, or profession of any candidate.

"(c) In all cases of violations of this section by a partnership, committee, association, corporation or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be punished as herein provided.

"(d) The term 'contribution', as used in this section shall have the same meaning prescribed by section 591 of this title. June 25, 1948, c. 645, 62 Stat. 723."

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Exhibit D-19A - Department of Defense Directive 1344.10

DEPARTMENT OF DEFENSE
DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
1344.10 - Ch 1	March 20, 1970	1300 series

ATTACHMENTS - None

INSTRUCTIONS FOR RECIPIENTS

The following pen change to DoD Directive 1344.10, "Political Activities by Members of the Armed Forces," dated September 23, 1969, has been approved, effective immediately:

PEN CHANGE

Enclosure 1, paragraph 2.d., line 2: Delete - "e.g., chairman P.T.A.,"

Maurice W. Roche
MAURICE W. ROCHE
Director, Correspondence and Directives Division
OASD(Administration)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

SD FORM 1 MAR 68 106-1 PREVIOUS EDITIONS ARE OBSOLETE

Exhibit D-19A - Department of Defense Directive 1344.10

DEPARTMENT OF DEFENSE
DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
Ch 2 to 1344.10	October 24, 1972	1300 series

ATTACHMENTS Pages 3 and 4 to DoD Directive 1344.10, 9/23/69

INSTRUCTIONS FOR RECIPIENTS

The following page changes to DoD Directive 1344.10, "Political Activities of Members of the Armed Forces," September 23, 1969, have been authorized:

PAGE CHANGES

Remove: Pages 3 and 4
Insert: Attached replacement pages

Changes appear on page 4 and are indicated by marginal asterisks.

EFFECTIVE DATE AND IMPLEMENTATION

The above changes are effective immediately. Two copies of implementing instructions shall be forwarded to Assistant Secretary of Defense (Manpower and Reserve Affairs) within 30 days.

Maurice W. Roche
MAURICE W. ROCHE
Director, Correspondence and Directives Division
OASD(Comptroller)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

SD FORM 1 MAR 68 106-1

Continuation of IV.

A. General

1. A member may:

a. Register, vote, and express his personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

b. Make monetary contributions to a political organization.

c. Attend partisan as well as non-partisan political meetings or rallies as a spectator when not in uniform.

2. A member may not:

a. Use his official authority or influence for the purpose of interfering with an election, or affecting the course of its outcome, or of soliciting votes for a particular candidate or issue, or of requiring or soliciting political contributions from others.

b. Be a candidate and hold civil office except under the conditions set forth in B. and C. below.

c. Participate in partisan political management, campaigns, or conventions.

d. Make campaign contributions to a partisan political candidate, to another member of the Armed Forces, or to an employee of the Federal Government.

3. To assist in applying the foregoing general provisions to particular factual situations, enclosure 1 contains representative examples of political activities which are deemed permissible or prohibited. These guidelines do not supersede other related Department of Defense directives, such as the instructions contained in references (f), (g), and (h), but are to be used in conjunction with them.

4. Enclosure 2 contains a summary of Federal statutes prohibiting certain types of political activities by members of the Armed Forces.

Continuation of IV.

B. Candidacy for Elective Office

1. A member subject to this Directive may not campaign as a partisan candidate for nomination or as a partisan nominee for civil office. However, where the circumstances justify, the Secretary concerned or his designee may permit the member to file such evidence of his nomination or candidacy for nomination as may be required by law. Such permission shall not authorize activity while on active duty that is otherwise prohibited by this Directive.

2. A member may not become a non-partisan candidate for any civil office requiring full-time service while serving an initial tour of extended active duty or a tour of extended active duty that the member agreed to perform as a condition to receive schooling, or other training wholly or partly at the expense of the United States.

C. Release of Military Personnel Elected or Appointed to Civil Office

1. Officers on the active list of a regular component of an Armed Force may not hold a civil office, except as otherwise provided by law. The acceptance of such a civil office or the exercise of the functions of the office terminates the officer's military appointment as provided by 10 U.S.C. 973(b), (reference (d)).

2. Officers on the active list of a reserve component of an armed force and enlisted personnel who are elected as a partisan candidate to any civil office or as a non-partisan candidate to a civil office requiring full-time service, or who are appointed to a civil office requiring full-time service may be retired, discharged, or released to inactive duty, as may be appropriate. However, such officers and members will not be retired, discharged, or released to inactive duty if they are serving an initial tour of extended active duty or a tour of extended active duty that the member agreed to perform as a condition to receiving schooling, instruction, or other training, wholly or partly at the expense of the United States. The Secretary concerned, in appropriate cases, may release a reservist from his active duty obligation and permit him to accept the civil office to which he was elected.

#First amendment (Ch 2, 10/24/72)

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EXHIBIT D-19A - DEPARTMENT OF DEFENSE DIRECTIVE
5410.18

February 9, 1968
NUMBER 5410.18

ASD(PA)

Department of Defense Directive

SUBJECT Community Relations

Refs: (a) DoD Directive 5410.18, "Community Relations," April 21, 1965 (hereby cancelled)
(b) DoD Directive 5122.5, "Assistant Secretary of Defense (Public Affairs)," July 10, 1961
(c) DoD Instruction 5410.19, "Requests for Armed Forces Participation in Public Events Supporting Community Relations Programs," April 21, 1965
(d) DoD Instruction 5410.20, "Public Affairs Liaison With Industry," February 9, 1968
(e) thru (o) - see enclosure 1

I. REISSUANCE

This Directive combines previous issuances of Department of Defense (DoD) community relations policies on the use of Armed Forces personnel, facilities and materiel in the execution of Defense community relations programs. Reference (a) is hereby superseded and cancelled.

II. APPLICABILITY

The provisions of this Directive apply to all DoD components and to the public affairs aspects of those programs or activities receiving financial assistance from any such component.

III. TERMS

The two terms basic to this Directive are defined below. Other pertinent terms are defined in enclosure 2.

A. Community Relations is the relationship between the military and civilian communities.

B. Community Relations Program is that command function which evaluates public attitudes, identifies the mission of a military organization with the public interest, and executes a program of action to earn public understanding and acceptance. Community relations programs are conducted at all levels of command, both in the United States and overseas, by military organizations having a community relations area of responsibility. Community relations programs include, but are not limited to, such activities as liaison and cooperation with industry, with industrial, technical, and trade associations, with labor, and with other organizations and their local affiliates at all levels; Armed Forces participation in international, national, regional, State and local public events; installation open houses and tours, embarkations in naval vessels, orientation tours for distinguished civilians; people-to-people and humanitarian acts; cooperation with government officials and community leaders; and encouragement of Armed Forces personnel and their dependents to participate in all appropriate aspects of local community life.

IV. POLICY

A. General

1. The interest, understanding and cooperation of the civilian community in DoD activities are dependent upon sound Armed Forces community relations program at home and abroad. The objectives of such programs are to develop, improve and maintain full understanding by the American people and our allies overseas and their support of the mission of the DoD to defend the United States and the Free World; to demonstrate U. S. partnership with our allies in collective security; and to develop an awareness that U. S. military personnel are dedicated, highly trained individuals. These programs must be conducted always in a manner free from racial discrimination and fostering equal treatment for Armed Forces personnel and their families.

2. Active participation of military units and military personnel and their dependents as individuals in civilian activities, organizations, and programs is an important factor in establishing and maintaining a state of mutual acceptance, respect, cooperation and appreciation between the Armed Forces and civilian communities affected by their operations.

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B. Participation in Community Relations Programs. Community Relations programs are authorized and encouraged for the following purposes subject to operational requirements for personnel, facilities and materiel resources; the significance of the event or program in relation to other DoD programs, and cost considerations:

1. Informing the public on the state of preparedness of the DoD and to demonstrate United States partnership with allies in collective security and the mutuality of United States and host nations' interests.

2. Developing public understanding of and cooperation with the DoD in its community relations program.

3. Promoting national security and stimulating patriotic spirit.

4. Assisting recruiting and personnel procurement programs of the Armed Forces.

C. Guidelines

1. Department of Defense participation and cooperation must not directly or indirectly (a) endorse or selectively benefit or favor, or appear to endorse or selectively benefit or favor, any private individual, sect, fraternal organization, commercial venture, or political group, or (b) be associated with solicitation of votes in a political election.

   a. DoD cooperation in commercial advertising, publicity and other promotional activities will be based on the provisions of DoD Directive 5500.7, DoD Instruction 5410.10, 10 USC 18, Section 701, section 5a of the Federal Trade Commission Act, DoD Instruction 5410.20 (references (c), (h), (i) and (d)), and enclosure 2. Particular attention will be given to the presence of (1) factual inaccuracies; (2) reference to and use of classified military information and equipment; (3) material reflecting adversely on the DoD or its elements; (4) implications concerning relative utility and reliability of DoD materiel; (5) references to DoD specification details and to results of acceptance tests. Use of official insignia will be separately considered, as outlined in V.D., below.

   b. DoD participation shall be incidental to the event except for programs of a patriotic nature, celebration of national holidays, or events which are open to the general public at no charge for admission. A general admission charge need not of itself deny DoD participation. However, no specific or additional charge may be made to observe the authorized DoD participation. The provisions of this paragraph do not apply to those special bands (U.S. Navy Band, U.S. Marine Band and U.S. Air Force Band) engaged in authorized concert tours conducted at no additional cost to the government.

   c. Armed Forces support to nationally-recognized Veterans' organizations is authorized when the participation is in support of programs oriented to the veteran rather than the sectarian or national origin objectives of the organization. Similarly, Armed Forces support to non-public schools is authorized when the participation is clearly in support of educational or personnel procurement programs.

2. DoD participation in any public event within the purview of this Directive is authorized only if admission, seating and all other accommodations and facilities connected with the event or activity are available to all without regard to race, creed, color, or national origin. The provisions of references (k) through (m) also pertain.

3. DoD participation in support of fund-raising efforts will normally be limited to the federated and joint campaigns authorized by DoD Directive 5035.1 (reference (g)) and its attachment, the Manual on Fund-Raising within the Federal Service, such appeals as the President or the Chairman of the Civil Service Commission may authorize, and the military aid societies. In view of the national interest, the Armed Forces may also support sports or other public events held for the sole purpose of raising funds for United States teams competing in the Pan American Games and Olympic Games (see DoD Directive 1330.4 (reference (f)). Armed Forces support to fund-raising events or projects for a single cause, even though the prospective recipient is a member of one of the federated, joint or authorized campaigns, or the proceeds are to be donated in part to one or several of the recognized campaigns, is inconsistent with the basic position.

a. Exceptions to policy in IV. C3, above, are made for those special concert bands engaged in authorized concert tours being conducted at no additional cost to the government; and for overseas Unified and Specified Commands (except within the States of Alaska and Hawaii) whose commanders desire to authorize and permit participation in athletic or sports competition within their commands in support of local or indigenous fund-raising efforts.

b. In communities where two or more components are stationed, commanders shall coordinate their response to requests for Armed Forces participation when it is apparent that more than one of them may be involved. Coordinated planning and execution of such participation will be as directed by the military commanders concerned. Commanders will ensure that participation is appropriate in scope and type and limited to those occasions which are in keeping with dignity and good taste. The national, regional, state or local significance of the event and the agency sponsoring the event will be used as guides in determining the scope and type of DoD participation to be authorized.

D. Command Support. Appropriate recognition should be given by the Secretaries of the Military Departments, Commanders of Unified and Specified Commands, Directors of Defense Agencies, and commanders at all levels, to the outstanding accomplishments of commands or individuals in improving community relations. The exchange of information among DoD components and their field agencies concerning effective programs is encouraged.

E. Programming, Budgeting and Financing

1. The Secretaries of the Military Departments and the Directors of Defense Agencies will make provisions in their programming, budget estimates and financing programs for conducting effective community relations programs consistent with the provisions of this Directive, including the budgeting and financing requirements of the programs developed by Commanders of Unified and Specified Commands. The cost of participating in or furnishing resources for a community relations event will be the responsibility of the component involved and must be accomplished within financing available to it. The financial requirements for these purposes will be kept to the minimum necessary to accomplish DoD objectives.

2. Costs of participation will normally be at government expense for the following types of events and programs when they are in the primary interest of the DoD:

   a. DoD or civic-sponsored public observances of U.S. (or host country) national holidays.

   b. Official civil ceremonies and functions.

   c. Speaking engagements.

   d. Programmed, scheduled tours by military information activity support units (U.S. Army Exhibit Unit, U.S. Navy Exhibit Unit and U.S. Air Force Orientation Group) when this method of reaching special audiences is considered by the Secretaries of the Military Departments concerned to be the most effective and economical way of accomplishing a priority public information or community relations program. The Assistant Secretary of Defense (Public Affairs) (ASD(PA)) will monitor this program.

   e. Tours by units, such as the U.S. Army Field Band, when appropriated funds are specifically provided for such participation.

   f. Events considered to be in the national interest, or in the professional, scientific or technical interests of a DoD component, when approved by the Secretary of Defense or the Commander of an overseas Unified or Specified Command, as appropriate.

   g. Support of personnel procurement activity. Such participation is properly chargeable to personnel procurement programs and is governed by IV.C. 1.a., above. Personnel procurement activity is otherwise exempt from the provisions of this Directive.

3. DoD participation in all other public events of mutual benefit to the DoD and the sponsor of the event will normally be at no additional cost to the government. The event will be financed as follows:

a. Additional cost to the government as defined in paragraph J, enclosure 2, will be reimbursed by the sponsor.

b. Other services, when required by the nature of the event, will be provided by the sponsor as follows: ground transportation between an airport and the event, unless within a local installation's community relations area as defined in paragraph L, enclosure 2; rental space, utilities and custodial services; public liability and property damage insurance for aerial demonstrations; and such other services determined necessary by the DoD component participating in the event and agreed to be provided by the sponsor.

c. Continuing-type costs to the government, which would have existed had the DoD not participated in the event, will not be reimbursed by the sponsor. These costs as defined in paragraph K, enclosure 2, represent the DoD share of the costs of events of mutual benefit.

V. RESPONSIBILITIES AND AUTHORITIES

A General. Secretaries of the Military Departments, Commanders of Unified and Specified Commands, and the Directors of the Defense Agencies are responsible to the Secretary of Defense for community relations. Commanders at all levels will give positive emphasis to the importance of good community relations in the execution of their missions.

B. The ASD(PA) is designated (see DoD Directive 5122.5, reference (b)) to act for and in behalf of the Secretary of Defense in implementing the provisions of this Directive, including:

1. Granting any exceptions thereto.

2. Screening requests for DoD participation in:

a. international and national events, except those taking place in overseas areas which are primarily of internal concern to Unified or Specified Commanders as outlined in V.C., below;

b. community relations programs and public events in areas outside the United States which have an interest and impact extending beyond the Unified and Specified Command area, or which require assistance from outside the command area;

c. public events in the Washington, D. C., area;

d. aerial demonstrations, parachute team demonstrations or simulated tactical demonstrations held off military installations except those held in areas assigned to overseas Unified and Specified Commands;

e. post-season bowl games, sports contests held off base with professional opposition, or formal international competitions, except as noted in V.C.3., below; and

f. Armed Forces Day activities as covered in DoD Directive 5400.5 (reference (e)).

3. Publishing a monthly Defense Industry Bulletin as a means of direct communication with the industrial community (see DoD Instruction 5410.20 (reference d)).

4. Developing and issuing supplementary policies and procedures, in coordination with the Assistant Secretary of Defense (Manpower) and the Assistant Secretary of Defense (Comptroller) on matters affecting their assigned responsibilities.

C. Overseas Unified and Specified Commanders are delegated authority to:

1. Plan and execute community relations programs in accordance with the provisions of this Directive in the States of Alaska and Hawaii and in overseas areas for which they have command responsibility. This authority may be delegated. Participation in events held in the States of Alaska and Hawaii will be governed by the same principles and policies applicable to other states.

2. Except for events held within the States of Alaska and Hawaii, overseas Unified and Specified Commanders are designated to act for and in behalf of the Secretary of Defense in implementing the provisions of this Directive within their commands and in granting any exceptions thereto. This authority may be delegated.

3. Policy direction and guidance for overseas community relations programs, consistent with the overall policy guidance in this Directive will be provided by the overseas Unified and Specified Commanders rather than by the Military Departments or Defense Agencies.

4. Commanders of Unified and Specified Commands, in coordination with their component commanders, will conduct effective community relations programs, consistent with the provisions of this Directive, and will provide through established channels, for the inclusion of such programming, budget estimates and financing programs of the appropriate Military Departments, as provided for in IV. E., above.

D. Secretaries of Military Departments and Directors of Defense Agencies (within their respective areas of responsibility) are authorized to plan and execute community relations programs and approve Armed Forces participation in public events not otherwise reserved or assigned in V. B. and C., above. This authority may be delegated. They will continue to use their discretion concerning unofficial use of official insignia of their respective organizations, unless elsewhere prohibited by Public Law.

E. Coordination. Community relations programs and public events taking place within the fifty United States which have an effect on a Unified or Specified Command as a whole or are otherwise of significant concern to a Unified or Specified Command, require complete coordination between the Command and the Military Department(s) concerned. This same rationale is applicable to coordination with Commands through the appropriate component command for community relations programs and participation in public events requiring the support of the Military Departments.

VI. RECORDS AND REPORTS

The ASD(PA) will be kept informed regarding all significant community relations programs. To ensure proper national level planning and coordination of programs which involve other activities of the U. S. Government and foreign governments; to answer inquiries from the Congress, the press, and the general public; to provide a basis for recognition of outstanding command or individual accomplishments; and to evaluate program effectiveness, records will be kept, and a report will be submitted as follows:

A. A semi-annual report, to cover significant community relations programs accomplished during the period, and planned for the following six months, will be submitted to the ASD (PA) as prescribed enclosure 3. This report, covering the periods January 1 through June 30, and July 1 through December 31, and planned for the following six (6) months, will be submitted directly to the ASD(PA) by the Secretaries of the Military Departments and Commanders of the Unified and Specified Commands, not later than March 1 and August 31 respectively (see enclosure 3).

B. Commanders of Unified Commands will include in their semi-annual reports as prescribed in enclosure 3 only those significant programs which are multi-Service, command-wide, or multi-national in scope and interest; which required, or will require support from outside the normal resources of their command; or which require specific coordination and guidance from the Unified Commander or from the ASD(PA). Reports by the Secretaries of the Military Departments as prescribed in enclosure 3 will not include the types of programs which are reported by Unified Commanders, but will be limited to significant programs of single-Service interest and significant local command activities.

C. Information included in reports on Armed Forces Day, as required by DoD Directive 5400.5 (reference (e)), will not be included in semi-annual community relations reports.

D. In addition to the semi-annual reports on significant community relations programs as directed above, records of specific public events in support of community relations programs will be maintained by commanders at appropriate levels as determined by the Secretaries of the Military Departments, the Commanders of the Unified and Specified Commands and the Directors of the separate agencies of the DoD. Records will be in sufficient detail to provide information to the Secretary of Defense if required. They will include, as a minimum, date and place of event; sponsor, names and titles of sponsoring officials; names and titles of principal military officials participating; speakers, troop units, bands, exhibits, demonstrations, and administrative support provided; estimated size of civilian audience; and the total additional cost to the government.

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E. The report required of this Directive has been assigned Report Control Symbol DD-PA (SA) 656.

VII. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Five copies of revised proposed implementing regulations to be published to conform to this Directive will be forwarded to the ASD(PA) for review and approval within sixty (60) days.

Paul H. Nitze
Deputy Secretary of Defense

Enclosures - 3
1. References (continued)
2. Glossary of terms
3. Semi-Annual DoD Community Relations Report

REFERENCES (Continued)

(e) DoD Directive 5400.5, "Armed Forces Day," December 3, 1965

(f) DoD Directive 1330.4, "Participation in International Sports Competition," April 19, 1962

(g) DoD Directive 5035.1, "Fund-Raising Within the Department of Defense," September 22, 1964

(h) DoD Directive 5500.7, "Standards of Conduct," August 8, 1967

(i) 10 United States Code 18, Section 701

(j) Section 5a, Federal Trade Commission Act (38 Stat. 719), as amended (15 United States Code 45)

(k) DoD Directive 5120.36, "Equal Opportunity in the Armed Forces," July 26, 1963

(l) DoD Directive 5500.11, "Nondiscrimination in Federally Assisted Programs," December 28, 1964

(m) DoD Directive 5525.2, "Processing of Requests by Military Personnel for Action by Attorney General Under Civil Rights Act," July 24, 1964

(n) DoD Directive 5122.8, "Use of Military Carriers for Public Affairs Purposes," December 13, 1963

(o) DoD Instruction 5435.2, "Delegation of Authority to Approve Travel In and Use of Military Carriers for Public Affairs Purposes," December 13, 1963

GLOSSARY OF TERMS

The following terms, which apply for purposes of this Directive, are furnished as an aid in determining the suitability, appropriate degree, type of financing of DoD participation in public events, official civil ceremonies, community relations programs and similar events.

A. INTERNATIONAL, NATIONAL, REGIONAL, STATE AND LOCAL EVENTS.

1. An international event is one which the audience and/or participation is drawn from the United States and at least one other nation.
2. A national event is one in which the audience and/or participation is drawn from the United States as a whole.
3. A regional event is one in which the audience and/or participation is drawn from two or more states of the United States.
4. A state event is one in which the audience and/or participation is drawn from that state as a whole.
5. A local event is one within a state which centers on and is of primary interest to a single community.

Corresponding classifications may be made in overseas areas by the Unified and Specified Commanders.

B. DOD PARTICIPATION - includes any use of Armed Forces personnel as individuals or as units; facilities, and materiel to include aircraft, ships, exhibits and equipment in support of community relations programs.

C. AERIAL DEMONSTRATIONS - flight demonstrations, jumps, personnel or equipment drops by Armed Forces personnel or aircraft for public affairs purposes.

D. PERSONNEL, FACILITIES AND MATERIEL UTILIZATION - the use or appearance of individuals or groups or units of military personnel, performing units and marching units, drill teams, drum and bugle (or drum and fife) corps; single-Service or joint-Service color details, honor and security cordons, military bands and choral groups or their components; use of Armed Forces facilities, to include aircraft, ships and installations; and the use of Armed Forces materiel and equipment to include exhibits and loanable or donable items for community relations purposes.

E. ARMED FORCES EXHIBITS - any display for public affairs purposes of Armed Forces materiel. Specifically included are items of

equipment, models, devices and information and orientation materiel placed for public information purposes before audiences at conventions, conferences, seminars, demonstrations, exhibits, fairs or similar events. Also included are general purpose displays in public buildings or public locations. Excluded are operable aircraft.

F. PUBLIC EVENTS - programs held in the civil domain to include all ceremonies, demonstrations, exhibitions, expositions, athletic contests, fairs, trade or air shows, conventions, meetings, symposia or similar programs not connected with the military functioning of the DoD and intended primarily for non-military audiences. Exercises, movements or maneuvers conducted as a part of military training, even though incidentally observed by the general public, are not considered public events.

G. FRATERNAL GROUPS - societies whose members are banded together for mutual benefit or for work towards a common goal. They include, but are not limited to, such organizations as the Fraternal Order of the Eagles, Benevolent and Protective Order of Elks, Loyal Order of the Moose, Free and Accepted Masons (Scottish Rite, York Rite and Shrine), Knights of Columbus, Knights Templar, Independent Order of Odd Fellows, and Order of the Eastern Star. Service or luncheon clubs, such as Rotary International, Kiwanis International, Lions International, Optimists, Toastmasters International or Junior Chambers of Commerce, are not considered fraternal groups.

H. OFFICIAL CIVIL CEREMONIES - those public events sponsored and conducted by Federal, State, county and municipal governments, to include, in overseas areas, corresponding authorities of the host nation. Official civil ceremonies include inaugurals, dedications of public buildings and projects, ceremonies for officially invited governmental visitors, and the convening of legislative bodies. Community or civic celebrations such as banquets, dinners, receptions, carnivals, festivals, opening of sports seasons, and anniversaries are not considered official civil ceremonies even though sponsored or attended by civic or governmental dignitaries.

I. HOLIDAYS

1. National holidays are those prescribed by Federal Law; i.e., New Years Day (January 1); Washington's Birthday (February 22); Memorial Day (May 30); Independence Day (July 4); Labor Day (1st Monday in September); Veterans Day (November 11); Thanksgiving Day (4th Thursday in November); Christmas Day (December 25).

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2. Armed Forces Day (3rd Saturday in May) will be treated as a national holiday for purposes of this Directive.

3. State holidays are those officially proclaimed by an individual state as holidays to be observed in that state.

4. Primary, general and special election days are not considered holidays.

5. A corresponding classification of "host nation" holidays may be made in overseas areas by Unified and Specified Commanders.

J. ADDITIONAL COST TO THE GOVERNMENT - that cost financed from the operation and maintenance type appropriation available to the DoD component furnishing the government resources for a public event of mutual benefit to the DoD and the sponsor of the event. Additional costs normally include but are not necessarily limited to the following items: travel and transportation of military personnel, meals or lodging or per diem allowances payable under the provisions of the Joint Travel Regulations, and the transporting, handling and cost of aviation fuel if such fuel is not available at military contract price at the staging base.

K. DOD SHARE OF COSTS - The DoD share of costs for events of mutual benefit will normally include those continuing-type costs to the government which would exist if the DoD component did not participate in the event, such as: regular pay and allowances of the Armed Forces, small incidental expenses of an installation (e.g. local transportation, telephone calls, etc.), and other minor expenses as may be determined by the DoD component participating in the event. The use of routine training flights or military aircraft for the transport of military personnel, if requested by a component, approved, and determined to be available, is also considered to be a DoD share of costs for an event of mutual benefit. See references (n) and (o).

L. COMMUNITY RELATIONS AREA - that geographical area wherein DoD facilities and/or personnel have a social or economic impact on the populace.

M. WASHINGTON, D.C., AREA - the District of Columbia, the City of Alexandria, Virginia, the Counties of Arlington and Fairfax, Virginia, and the Counties of Montgomery and Prince Georges in Maryland, together with incorporated municipalities lying within these borders.

N. INDUSTRY - Any and all commercial enterprises, including "non-profit" firms, whose function is that of producing or providing goods, services, or construction for public or private consumption or use.

O. DEFENSE CONTRACTOR - Any industrial concern or other entity which has executed, and is currently operating within the terms of, a contract with a DoD Component. Included are education institutions, but only when engaged in DoD contract production of goods or services.

P. DEPARTMENT OF DEFENSE INSIGNIA - Includes medals, decorations, badges, cap devices, ribbons, buttons, rosettes, emblems, patches, flags, seals, coats of arms, shoulder, lapel, and sleeve insignia, and any devices used to indicate grade, rating, branch, service, or duty assignment.

Exhibit D-19A - Department of Defense Directive
5410.18

5410.18 (Encl 3)
Feb 9, 68

SEMI-ANNUAL DOD COMMUNITY RELATIONS REPORT

Semi-Annual DoD community relations reports will be submitted (see VI of this Directive) in the following format and substance:

1. Programs: List in brief narrative form the major community relations programs conducted during the reporting period, with special attention to:

a. Exceptional accomplishment and results: List major community relations programs that have been particularly successful, giving reasons for success. Enclose pictures, press clippings, if available.

b. Problem Areas: Include problems such as a shortage of personnel, facilities and equipment; base closures or reductions; law enforcement; public housing; racial issues; military noise problems; and public criticism of specific programs, actions or policies.

c. Solutions: Programs to solve problems listed above, including successes and failures. Enclose pictures, press clippings or other materials as appropriate to illustrate problems or to demonstrate success.

e. Forecast: Include brief outline of significant community relations programs to be conducted in next six months which have potential national, international or wide regional interest, or which are likely to have major impact, either favorable or unfavorable, on public opinion. All activities which involve more than one military Service or more than one major command should be included.

Exhibit D-19A - Department of Defense Directive 5410.18

DEPARTMENT OF DEFENSE
DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
5410.18 - Ch 2 (Supersedes Ch 1, 4/8/68)	November 27, 1968	5400 series

ATTACHMENTS

Enclosure 3 to DoD Directive 5410.18, Feb 9, 68.

INSTRUCTIONS FOR RECIPIENTS

The following page and pen changes to DoD Directive 5410.18, "Community Relations," dated February 9, 1968, have been authorized:

PAGE CHANGE

Remove: Enclosure 3
Insert: Attached Enclosure 3

Current changes are indicated by marginal asterisks. Previous change is superseded.

PEN CHANGES

Page 1 and Enclosure 1 - Change references (c) and (f) to read:

(c) DoD Instruction 5410.19, "Armed Forces Participation in Public Events Supporting Community Relations Programs," November 26, 1968
(f) DoD Directive 1330.4, "Participation in Interservice National and International Sports Activities," November 14, 1968

Pages 6 and 7, paragraph IV. E. 3. - Change the last two lines of 3. (page 6) to read:

"additional cost to the government (see paragraph J., enclosure 2).";

and delete ALL of 3. a., b., and c. from page 7.

Changed portion of paragraph 3. is underscored.

EFFECTIVE DATE AND IMPLEMENTATION

This change is effective immediately. Two (2) copies of revised implementing documents shall be forwarded to the Assistant Secretary of Defense (Public Affairs) within sixty (60) days.

Maurice W. Roche

MAURICE W. ROCHE
Director, Correspondence and Directives Division
OASD(Administration)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

SD FORM 1 MAR 68 106-1 PREVIOUS EDITIONS ARE OBSOLETE

Exhibit D-19A - Department of Defense Directive 5410.18

SEMI-ANNUAL DOD COMMUNITY RELATIONS REPORT

Reports should be submitted in brief narrative form on the programs listed below.

1. Exceptional accomplishment and results: Include those programs or events which were exceptionally successful with particular emphasis on those which could be adopted by other Services and Commands.

2. Problem Areas:

a. Report problems or occurrences which were overcome including the method or techniques used to solve them. Particular attention should be paid to those which might confront another Service or Command.

b. Report problems or occurrences which this Headquarters should be aware of because of their national or international significance.

c. Report problems or occurrences which require assistance from either ourselves or another service or command in resolving or limiting their impact. (Include any recommendations or requests you may have for specific assistance.)

3. Forecast: Include a brief outline of significant programs or events which will occur in the next six months. Include only those which have potential national, international, or wide regional interest, or which are likely to have major impact, either favorable or unfavorable, on public opinion. All activities which involve more than one Military Service or Unified and Specified Command should be included.

*Second amendment (Ch 2, 11/27/68)

Exhibit D-19A- Department of Defense Directive 5410.18

DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
5410.18 - Ch 3	March 31, 1972	5410 series

ATTACHMENTS - None

INSTRUCTIONS FOR RECIPIENTS

The following interim changes are authorized to DoD Directive 5410.18, "Community Relations," February 9, 1968, pending its complete revision:

PEN CHANGES

1. Page 8 - Delete Paragraph V. B. 3.

2. Pages 9, 10 and 11 - Delete Section VI. RECORDS AND REPORTS. Report Control Symbol DD-PA(SA)656 is cancelled.

3. Enclosure 1 -

a. Change reference (k) to read:

"DoD Directive 1100.15, 'Equal Opportunity Within the DoD,' December 14, 1970"

b. Change the date of reference (l) to: "May 27, 1971"

4. Enclosure 3 - Remove Enclosure 3

Maurice W. Roche

MAURICE W. ROCHE
Director, Correspondence and Directives Division
OASD(Comptroller)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

SD FORM 1 MAR 68 106-1 PREVIOUS EDITIONS ARE OBSOLETE

EXHIBIT D-20A DEPARTMENT OF ARMY GUIDANCE ON DISSENT

DEPARTMENT OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
WASHINGTON, D.C. 20310

IN REPLY REFER TO

AGAM-P (M) (27 May 69) DCSPER-SARD 23 June 1969

SUBJECT: Guidance on Dissent

TO: All Commanders

1. In the past few weeks there have been press reports suggesting a growth in dissent among military personnel. Questions have been raised concerning the proper treatment of manifestations of soldier dissent when they occur. The purpose of this letter is to provide general guidance on this matter. Specific dissent problems can, of course, be resolved only on the basis of the particular facts of the situation and in accordance with provisions of applicable Army regulations.

2. It is important to recognize that the question of "soldier dissent" is linked with the Constitutional right of free speech and that the Army's reaction to such dissent will -- quite properly -- continue to receive much attention in the news media. Any action taken at any level may therefore reflect -- either favorably or adversely -- on the image and standing of the Army with the American public. Many cases involve difficult legal questions, requiring careful development of the factual situation and application of various constitutional, statutory, and regulatory provisions (See Appendix A). Consequently, commanders should consult with their Staff Judge Advocates and may in appropriate cases confer with higher authority before initiating any disciplinary or administrative action in response to manifestations of dissent. The maintenance of good order and discipline and the performance of military missions remains, of course, the responsibility of commanders.

3. "Dissent," in the literal sense of disagreement with policies of the Government, is a right of every citizen. In our system of Government, we do not ask that every citizen or every soldier agree with every policy of the Government. Indeed, the First Amendment to the Constitution requires that one be permitted to believe what he will. Nevertheless, the Government and our citizens are entitled to expect that, regardless of disagreement, every citizen and every soldier will obey the law of the land.

4. The right to express opinions on matters of public and personal concern is secured to soldier and civilian alike by the Constitution and laws of the United States. This right, however, is not absolute

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for either soldier or civilian. Other functions and interests of the Government and the public, which are also sanctioned and protected by the Constitution, and are also important to a free, democratic and lawful society, may require reasonable limitations on the exercise of the right of expression in certain circumstances. In particular, the interest of the Government and the public in the maintenance of an effective and disciplined Army for the purpose of National defense justifies certain restraints upon the activities of military personnel which need not be imposed on similar activities by civilians.

5. The following general guidelines are provided to cover some of the manifestations of dissent which the Army has encountered.

a. Possession and distribution of political materials.

(1) In the case of publications distributed through official outlets such as Post Exchanges and Post Libraries, a commander is authorized to delay distribution of a specific issue of a publication in accordance with the provisions of para. 5-5 of AR 210-10. Concurrently with the delay, a commander must submit a report to the Department of the Army, ATTN: CINFO. A commander may delay distribution only if he determines that the specific publication presents a clear danger to the loyalty, discipline, or morale of his troops.

(2) In the case of distribution of publications through other than official outlets, a commander may require that prior approval be obtained for any distribution on post. Distribution without prior approval may be prohibited. A commander's denial of authority to distribute a publication on post is subject to the procedures of para. 5-5, AR 210-10, discussed above.

(3) A commander may not prevent distribution of a publication simply because he does not like its contents. All denials of permission for distribution must be in accordance with the provisions of para. 5-5, AR 210-10. For example, a commander may prohibit distribution of publications which are obscene or otherwise unlawful (e.g., counselling disloyalty, mutiny, or refusal of duty). A commander may also prohibit distribution if the manner of accomplishing the distribution materially interferes with the accomplishment of a military mission (e.g., interference with training or troop formation). In any event, a commander must have cogent reasons, with supporting evidence, for any denial of distribution privileges. The fact that a publication is critical -- even unfairly critical -- of government policies or officials is not in itself, a grounds for denial.

(4) Mere possession of a publication may not be prohibited; however, possession of an unauthorized publication coupled with an

attempt to distribute in violation of post regulations may constitute an offense. Accordingly, cases involving the possession of several copies of an unauthorized publication or other circumstances indicating an intent to distribute should be investigated.

b. Coffee Houses.

The Army should not use its off-limits power to restrict soldiers in the exercise of their Constitutional rights of freedom of speech and freedom of association by barring attendance at coffee houses, unless it can be shown, for example, that activities taking place in the coffee houses include counselling soldiers to refuse to perform duty or to desert, or otherwise involve illegal acts with a significant adverse effect on soldier health, morale or welfare. In such circumstances, commanders have the authority to place such establishments "off limits" in accordance with the standards and procedures of AR 15-3. As indicated, such action should be taken only on the basis of cogent reasons, supported by evidence.

c. "Serviceman's Union."

Commanders are not authorized to recognize or to bargain with a "serviceman's union." In view of the constitutional right to freedom of association, it is unlikely that mere membership in a "serviceman's union" can constitutionally be prohibited, and current regulations do not prohibit such membership. However, specific actions by individual members of a "servicemen's union" which in themselves constitute offenses under the Uniform Code of Military Justice or Army regulations may be dealt with appropriately. Collective or individual refusals to obey orders are one example of conduct which may constitute an offense under the Uniform Code.

d. Publication of "Underground Newspapers."

Army regulations provide that personal literary efforts may not be pursued during duty hours or accomplished by the use of Army property. However, the publication of "underground newspapers" by soldiers off-post, on their own time, and with their own money and equipment is generally protected under the First Amendment's guarantees of freedom of speech and freedom of the press. Unless such a newspaper contains language, the utterance of which is punishable under Federal law (e.g., 18 U.S.C. Sec. 2387 or the Uniform Code of Military Justice), authors of an "underground newspaper" may not be disciplined for mere publication. Distribution of such newspapers on post is governed by para. 5-5, AR 210-10, discussed in para. 5a above.

e. On-Post Demonstrations by Civilians.

A commander may legally bar individuals from entry on a military reservation for any purpose prohibited by law or lawful regulation,

and it is a crime for any person who has been removed and barred from a post by order of the commander to re-enter. However, a specific request for a permit to conduct an on-post demonstration in an area to which the public has generally been granted access should not be denied on an arbitrary basis. Such a permit may be denied on a reasonable basis such as a showing that the demonstration may result in a clear interference with or prevention of orderly accomplishment of the mission of the post, or present a clear danger to loyalty, discipline, and morale of the troops.

f. On-Post Demonstrations by Soldiers.

AR 600-20 and 600-21 prohibit all on-post demonstrations by members of the Army. The validity of these provisions is currently being litigated. Commanders will be advised of the results of this litigation.

g. Off-Post Demonstrations by Soldiers.

AR 600-20 and 600-21 prohibit members of the Army from participating in off-post demonstrations when they are in uniform, or on duty, or in a foreign country, or when their activities constitute a breach of law and order, or when violence is likely to result.

h. Grievances.

The right of members to complain and request redress of grievances against actions of their superiors is protected by the Inspector General system (AR 20-1) and Article 138, UCMJ. In addition, a soldier may petition or present any grievance to any member of Congress (10 U.S.C. Sec. 1034). An open door policy for complaints is a basic principle of good leadership, and commanders should personally assure themselves that adequate procedures exist for identifying valid complaints and taking corrective action. Complaining personnel must not be treated as "enemies of the system." Even when complaints are unfounded, the fact that one was made may signal a misunderstanding, or a lack of communication, which should be corrected. In any system as large as the Army, it is inevitable that situations will occur giving rise to valid complaints, and over the years such complaints have helped to make the Army stronger while assuring compliance with proper policies and procedures.

6. It is the policy of the Department of the Army to safeguard the service member's right of expression to the maximum extent possible, and to impose only such minimum restraints as are necessary to enable the Army to perform its mission, in the interest of National defense. The statutes and regulations referred to above (as well as some other provisions of law and regulations) are concerned with these permissible restraints and authorize a commander to impose restrictions on the military members's right of expression and dissent, under certain circumstances. However, in applying any such statutes and regulations in particular situations, it is important to remember that freedom of expression is a fundamental right secured by the Constitution. Furthermore, it is important to

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Exhibit D-20A Department of Army Guidance on Dissent

AGAM-P (M) (27 May 69) DCSPER-SARD 23 June 1969
SUBJECT: Guidance on Dissent

remember that the Commander's responsibility is for the good order, loyalty and discipline of all his men. Severe disciplinary action in response to a relatively insignificant manifestation of dissent can have a counter productive effect on other members of the Command, because the reaction appears out of proportion to the threat which the dissent represents. Thus, rather than serving as a deterrent, such disproportionate actions may stimulate further breaches of discipline. On the other hand, no Commander should be indifferent to conduct which, if allowed to proceed unchecked, would destroy the effectiveness of his unit. In the final analysis no regulations or guidelines are an adequate substitute for the calm and prudent judgment of the responsible commander.

7. The mission of the Army is to execute faithfully, as ordered, policies and programs established in accordance with law by duly elected and appointed Government officials. Unquestionably, the vast majority of service members are prepared to do what is required of them to perform that mission, whether or not they agree in every instance with the policies the mission reflects.

BY ORDER OF THE SECRETARY OF THE ARMY:

C. A. STANFIEL
Colonel, AGC
Acting The Adjutant General

1 Incl
App A

This letter is a reproduction of letter, same file and subject, dated 28 May 1969, which was given a limited distribution.

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Exhibit D-20A Department of Army Guidance on Dissent
Guidance on Dissent

Appendix

Subject: Constitutional, Statutory and Regulatory Provisions

a. Constitution: The First Amendment, U. S. Constitution, provides as follows:

> "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

b. Statutory Provisions: The following statutory provisions may be relevant in considering problems of dissent in the armed forces:

Applicable to All Persons

(1) 18 U. S. C. Sec. 1381 -- Enticing desertion.

(2) 18 U. S. C. Sec. 2387 -- Counselling insubordination, disloyalty, mutiny, or refusal of duty.

(3) 18 U. S. C. Sec. 2388 -- Causing or attempting to cause insubordination.

(4) 50 U. S. C. App. Sec. 462 -- Counselling evasion of the draft.

Applicable to Members of the Army

(5) 10 U. S. C. Sec. 917 (Article 117, UCMJ) -- Provoking speech or gestures.

(6) 10 U. S. C. Sec. 882 (Article 82, UCMJ) -- Soliciting desertion, mutiny, sedition or misbehavior before the enemy.

(7) 10 U. S. C. Sec. 904 (Article 104, UCMJ) -- Communication or corresponding with the enemy.

(8) 10 U. S. C. Sec 901 (Article 101, UCMJ) -- Betraying a countersign.

Exhibit D-20A Department of Army Guidance on Dissent

(9) 10 U. S. C. Sec. 888 (Article 88, UCMJ) -- Contemptous words by commissioned officers against certain officials.

(10) 10 U. S. C. Sec. 889 (Article 89, UCMJ) -- Disrespect toward his superior commissioned officer.

(11) 10 U. S. C. Sec 891 (Article 91, UCMJ) -- Disrespect toward a warrant officer or noncommissioned officer in the execution of his office.

(12) 10 U. S. C. Sec 892 (Article 92, UCMJ) -- Failure to obey a lawful order or regulation.

(13) 10 U. S. C. Sec. 934 (Article 134, UCMJ) -- Uttering disloyal statements.

c. Regulations: The following Army Regulations may also be relevant in dealing with problems posed by "soldier dissent":

(1) AR 210-10, paragraph 5-5 -- Dissemination of publications.

(2) AR 360-5, paragraph 9b -- Submission for review of unofficial writings or speeches.

(3) AR 380-5 -- Divulgence of National security information.

(4) AR 600-20 -- Political activities (paragraph 42) and participation in demonstrations (paragraph 46).

(5) AR 600-20, paragraph 31 -- Appearance and conduct.

(6) AR 604-10 -- Discharge of personnel who are active members of subversive organizations.

(7) AR 670-5 -- Wearing of unauthorized items on the uniform.

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U. S. GOVERNMENT PRINTING OFFICE: 1969 O - 356 631

EXHIBIT D-21A - ARMY REGULATION 210-10, PARAGRAPH 5-5

6 September 1971

C 5, AR 210-10

*AR 210-10

ARMY REGULATION

No. 210-10

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 30 September 1968

INSTALLATIONS
ADMINISTRATION

This copy is a reprint which includes current pages from Changes 1 through 5.

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*This regulation supersedes AR 210-10, 24 September 1963, including all changes and DA message 862115, 30 April 1968, and rescinds Reports Control Symbol Budget-1969.

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5-3. **Hitchhiking.** Hitchhiking is prohibited by the Army. This does not preclude acceptance of offers of rides voluntarily made by individuals or properly accredited organizations nor does it preclude the use of properly authorized and established share-the-ride or similar stations which may be sanctioned by the local military authorities. The establishment and use of such facilities will be encouraged in the interests of both soldierly conduct and safety.

5-4. **Young Men's Christian Association.** *a.* At installations where Young Men's Christian Association buildings have been constructed pursuant to law (10 U.S.C. 4778) the Young Men's Christian Association will be permitted to continue to conduct helpful physical, intellectual, and nonsectarian religious activities. The installation commander will assist and facilitate these activities in such ways as he may deem appropriate and desirable.

b. Duly appointed secretaries of the association serving at such installations will be permitted to purchase from the quartermaster such available supplies as are necessary for use in connection with official activities.

5-5. **Protection of loyalty, discipline, and morale.** *a. Objectives.* The maintenance of loyalty, discipline, and morale among Army troops is essential if the Army is to continue to provide a reliable and effective military force responsive to the national security missions assigned pursuant to lawful authority. At the same time, troops are generally entitled to the free access to news and publications which other citizens enjoy.

b. Responsibility. Installation commanders will encourage and promote the availability to service personnel of books, periodicals, and other amusement media which present a wide range of viewpoints on public issues. Such media should include those emphasizing the standards of loyalty, patriotism, and discipline which are common to the Armed Forces. However, installation commanders will *not*, except as provided in this paragraph, take action to control or restrict the dissemination of publications, even if such publications are believed to be in poor taste or unfairly critical of Government policies or officials. The installation commander will be guided by the principle that, except in cases in which a publication constitutes a clear danger to military loyalty, discipline, or morale, military personnel are entitled to the same free access to publications are are other citizens.

c. Restrictions on dissemination of publications. If it appears that the dissemination of a publication presents a clear danger to the loyalty, discipline, or morale of troops at his installation, the installation commander may, without prior approval of higher headquarters, delay the distribution of any publication which he considers undesirable, on property subject to his control. The commander will consider whether the act of restriction will in itself result in the publication in question achieving notoriety and increased circulation to military personnel through off-post sources.

d. Reports. Concurrently with imposing a delay as authorized in *c* above, the installation commander will so inform the next major commander and Headquarters, Department of the Army (Chief of Public Information, extension 74200), and request from Headquarters, Department of the Army, approval to prohibit the distribution of that publication or the particular issue thereof. Telephonic communication will be used in each instance. If the publication in question is one which is unlikely to be available at Headquarters, Department of the Army, a copy of the publication or a transcript of the text of the portion giving rise to the dissemination restriction will be forwarded to Headquarters, Department of the Army, by the fastest available means. The delay in distribution will remain in force until the decision to approve or disapprove the request is made. These reports are exempt under provisions of paragraph 7-2*a*, AR 335-15.

e. Distribution outlets. An installation commander may, in his discretion, impose a requirement that distribution of publications may not be made except through regularly established and approved distribution outlets, unless prior approval is obtained from the commander or his authorized representative. The installation commander may, without informing higher headquarters or Department of the Army in advance, take appropriate action to prevent the distribution of publications by persons who have not obtained the required approval. Except where the publication in question is published primarily for advertising or promotional purposes, a denial of a request for

permission to distribute a publication will be reported as required in *d* above.

5-6. **Sales of State tax-free beer, tobacco products, and soft drinks by nonappropriated fund activities.** The installation commander is responsible for the control of the sale of State tax-free beer, tobacco products, and soft drinks in accordance with AR 60-10 and AR 230-1.

5-7. **Liquor control.** *a.* Within the United States and Puerto Rico, the sale of, or dealing in, intoxicating liquors will be conducted in accordance with AR 210-65.

b. Overseas, except in Alaska, Hawaii, and Puerto Rico, the sale of, dealing in, and use of intoxicating liquors at military installations will be under such regulations as may be prescribed by the oversea commander directly under Headquarters, Department of the Army.

5-8. **Privileges at installations.** The installation commander is responsible for the granting of privileges at facilities under his jurisdiction. See AR 28-62, AR 28-125, AR 31-200, AR 60-10, AR 210-55, and AR 230-60.

5-9. **Gifts and donations.** The acceptance of any gifts, devices, or bequest of money or property, real or personal, for benefit of, or in connection with, the establishment, operation, maintenance, or administration of any school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of the Department of the Army is subject to the provisions of AR 1-100. The acceptance of gifts by nonappropriated funds is governed by AR 230-1.

5-10. **Gifts for distribution to individuals.** The acceptance of a voluntary proffer of property from individuals or organizations for distribution to Army personnel is governed by AR 1-101.

5-11. **American National Red Cross.** See AR 930-5.

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EXHIBIT D-22A - DEPARTMENT OF ARMY MESSAGE

DEPARTMENT OF THE ARMY
STAFF COMMUNICATIONS DIVISION

PPD
Primary Action

D-22-A

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FM DA //DAIO-PP//
TO AIG 7401
BT

UNCLAS E F T O
SUBJ: IMPOSITION OF A TIME REQUIREMENT ON PROCESSING REQUESTS FOR DISTRIBUTION OF PUBLICATIONS OF ARMY INSTALLATIONS
A. AR 210-10
PENDING REVISION OF PARA 5-5 OF REF A THE FOLLOWING ADDITIONAL GUIDANCE IS PROVIDED: COMMANDERS WILL REVIEW THE PUBLICATION IN QUESTION, MAKE RECOMMENDATIONS WITH THE REASONS THEREFOR AND DISPATCH THE ACTION TO DEPARTMENT OF THE ARMY (WITH APPROPRIATE INFORMATION COPIES TO INTERMEDIATE HEADQUARTERS) WITHIN FIVE (5) WORKING DAYS OF RECEIPT OF A REQUEST FOR DISTRIBUTION. IT IS ESSENTIAL THAT THE COMMANDER IN HIS RECOMMENDATION TO DA STATE THE FACTUAL BASIS FOR HIS DETERMINATION SHOULD THAT DETERMINATION INDICATE THAT THE PUBLICATION CONSTITUTES A CLEAR DANGER TO DISCIPLINE, LOYALTY, OR MORALE OF MILITARY PERSONNEL ON THE INSTALLATION OR THAT THE PROPOSED MANNER OF DISTRIBUTION MATERIALLY INTERFERES WITH THE ACCOMPLISHMENT OF A MILITARY MISSION.
BT
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ACTION

SCDI38 ANNOTATIONS
DAIO-3//DACA-FI-1(E), ATLIA-1, ICLO-1, CEPA-3
DRATER GILSTRAP 53894 RELEASER CHURCH 75081

EXHIBIT D-24A - ARMY REGULATION 600-20, SECTION III AND APPENDIX A

AR 600-20

ARMY REGULATION
No. 600-20

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 28 April 1971

PERSONNEL—GENERAL

ARMY COMMAND POLICY AND PROCEDURE

Effective 15 June 1971, except paragraph 5-39 which is effective 7 May 1971 in accordance with DA Message DCSPER-PSD 072249Z May 71.

This regulation establishes policy and prescribes certain procedures relative to the several basic aspects of command, military conduct and discipline, and the determination of precedence and date of rank. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to The Adjutant General, ATTN: AGAO-R; other commands will furnish one copy of each to the next higher headquarters.

This copy is a reprint which includes current pages from Change 1.

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*This regulation supersedes AR 600-20, 31 January 1967, including all changes, and DA messages DCSPER-PSD 252149Z May 70, subject: Interim Change to AR 600-20; and DCSPER-PSD 072249Z May 71, subject: Army Haircut Policy.

AGO 9402A

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gations of nonsupport are seldom in evidence. At the other end of the spectrum are those families which have become disunited by a formal divorce decree which usually provides for monetary support. Generally, , therefore, cases requiring action by commanders concerned are those where husband and wife are voluntarily separated. In such cases the member, from his own pay, should furnish to his legal dependents an amount at least equal to the previous contribution of an enlisted man serving in his grade, prior to January 1963, plus his present basic allowance for quarters. Before 1 January 1963, an enlisted member in pay grade E–4 (over 4 years' service) or higher had $60 or $80 withheld from his pay and added to the basic allowance for quarters to form the superseded class Q allotment. Thus a member is in essence receiving a gratuitous pay raise if he only contributes the amount of the current basic allowance for quarters.

5–26. Command responsibilities. The best judge of the facts in each case is the immediate commander of the member concerned. He is on the site, may know the member and his problems intimately and will have the benefit of face-to-face discussion. Under the Dependents Assistance Act of 1950 wherein class Q allotments were mandatory when dependency was proven, and the Finance Center, U.S. Army, had the authority to initiate a class Q allowance over the objection of the service member, the role of the commander was not quite so prominent. It thus behooves commanders at all echelons to supervise the handling of these cases with the overall goal of equitable and prompt solution of each. It is particularly important that the complainant be given a complete reply by the commander, one that is courteous and factual, bereft of evasion and vague promises, and with no hint of "brushoff." Finally, command action of a monitoring nature must ensue to insure that statements, promises, etc., of the member are in fact carried out expeditiously.

5–27. Action by commanders. *a.* In considering appropriate measures to be taken in cases of nonsupport of dependents, commanders must bear in mind that any action which will reduce the member's ability to pay may further compound the financial problem for both the member and his dependents. Since issues of support ordinarily will involve a variety of legal questions, commanders should seek the advice of an appropriate judge advocate relative to those legal issues which may be raised and with respect to any matters about which the judge advocate may have knowledge and experience. In general, no matter how proficient a member may be in military skills, his inability to manage his personal affairs may jeopardize his value to the service. When command action in accordance with this regulation has not secured the cooperation of the member in supporting his dependents, consideration should be given to his elimination from the service through the use of appropriate procedures (AR 635–212).

b. The provisions of this section do not normally apply in the case of retired personnel not on active duty. Routine complaints of nonsupport should be answered by a statement that any action in connection with the financial obligations of retired personnel not on active duty, is outside the responsibility of the Army and that the command regrets that it cannot be of assistance in the matter. Requests for exception to policy may be forwarded to The Adjutant General, ATTN: AGAO-KA, Department of the Army, Washington, DC 20315, when, in the opinion of the reviewing officer, the complaint justifies consideration by the active military.

Section III. POLITICAL ACTIVITIES

5–28. Explanation of terms. For the purpose of this section the following explanations will apply:

a. Civil office. An office, not military in nature, that involves the exercise of the powers or authority of civil government. It may be either an elective or an appointive office under the United States, a Territory or Possession, or a State, county, or municipality, or official subdivisions thereof. The term "civil office" does not include offices to which military personnel [illegible] be assigned in a military status.

b. Full-time service. Any service in connection with a civil office that is likely to interfere with regular military duties.

c. Nonpartisan political activity. An activity in support of or related to candidates not representing, or issues not specifically identified with, National or State political parties and associated or ancillary organizations. (Issues relating to Constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with National or State political parties.)

d. Partisan political activity. An activity in support of or related to candidates representing, or issues specifically identified with, National or State political parties and associated or ancillary organizations.

5–29. Political activities. A member of the Army is expected and encouraged to carry out his obligations as a citizen, but while he is on active duty he is prohibited in certain circumstances from becoming a candidate for or holding civil office (para 5–30 and 5–31), and in engaging in partisan political activities. The following general principles apply:

a. A member may—

(1) Register, vote, and express his personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

(2) Make monetary contributions to a political party or political committee favoring a particular candidate or slate of candidates subject to the limitations of sections 607 and 608 of title 18 United States Code.

(3) Attend partisan as well as nonpartisan political meetings or rallies as a spectator when not in uniform.

b. A member may not—

(1) Use his official authority or influence for the purpose of interfering with an election, or affecting the course of its outcome, or of soliciting votes for a particular candidate or issue, or of requiring or soliciting political contributions from others.

(2) Be a candidate and hold civil office except under the conditions set forth in paragraphs 5–30 and 5–31.

(3) Participate in partisan political management, campaigns, or conventions, including making campaign contributions to a partisan political candidate, to another member of the Armed Forces, or to an employee of the Federal Government.

c. To assist in applying the foregoing general provisions to particular factual situations, appendix A contains representative samples of political activities which are deemed permissible or prohibited. These guidelines do not supersede other related Army regulations dealing with dissident and protest activities among members of the Army, but are to be used in conjunction with them.

d. Appendix B contains a summary of Federal statutes prohibiting certain types of political activities by members of the Armed Forces.

5–30. Candidacy for elective office. *a.* A member of the Army may not campaign as a partisan candidate for nomination or as a partisan nominee for civil office. However, where the circumstances justify, the installation commander may permit the member to file such evidence of his nomination or candidacy for nomination as may be required by law. Such permission shall not authorize activity while on active duty that is otherwise prohibited by paragraph 5–29*b* or paragraph A–2.

b. A member of the Army may not become a nonpartisan candidate for any civil office requiring full-time service while serving an initial tour of extended active duty or a tour of extended active duty that the member agreed to perform as a condition to receive schooling, or other training wholly or partly at the expense of the United States.

5–31. Release of military personnel elected or appointed to civil office. *a.* Officers on the active

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list of a regular component of an armed force may not hold a civil office, except as otherwise provided by law. The acceptance of such a civil office or the exercise of the functions of the office terminates the officer's military appointment as provided by Title 10 United States Code, Section 973(b).

b. An officer on the active list of a Reserve component of an armed force and enlisted personnel who are elected as a partisan candidate to any civil office or as a nonpartisan candidate to a civil office requiring full-time service, or who are appointed to a civil office requiring full-time service may be retired, discharged, or released to inactive duty, as may be appropriate. However, such officers and members will not be retired, discharged, or released to inactive duty if they are serving an initial tour of extended active duty or a tour of extended active duty that the members have agreed to perform as a condition to receiving schooling, instruction, or other training, wholly or partly at the expense of the United States.

Section IV. MEDICAL CARE

5–32. General. A member of the Army on active duty or active duty for training usually will be required to submit to medical care considered necessary to protect or maintain the health of others, to preserve the member's life, or alleviate undue suffering by the member. A commanding officer may, with the concurrence of the medical treatment facility commander, order the hospitalization of any member of his command or order him to submit to a medical examination when indicated.

5–33. Explanation of term. Medical care as used in this section means preventive, diagnostic, therapeutic, and rehabilitative medical, surgical, psychiatric, and dental procedures.

5–34. Medical care performed with or without the member's permission. Under the following circumstances medical care may be performed with or without the member's permission:

a. Emergency medical care which is required to preserve the life or health of the member.

b. Immunization required by AR 40–562 or other Department of the Army directives (subject to any limitation stated in these directives).

(1) The policy of authorizing forcible immunization is intended to protect the health and overall effectiveness of the command as well as the health of the soldier himself. The individual does not have an option as to whether he will be immunized; this is a military obligation, an exception to which is granted only for medical reasons in accordance with paragraphs 9*a* and *e*, AR 40–562.

(2) In performing this duty, medical personnel are expected to use only that amount of force necessary to administer the immunization. Any force necessary to overcome an individual's reluctance to immunization normally will be provided by personnel acting under orders from the soldier's unit commander. The commonly used expression "refusal to take shots" erroneously suggests that the individual concerned has an option between being immunized or being punished for his refusal. This is incorrect. A soldier scheduled for immunization will routinely be inoculated at his turn, unless he defies superior authority in which event the inoculation will be specially accomplished.

(3) Unless medically contraindicated, any required immunization will be administered to a member with or without his consent. Every reasonable effort should be made to avoid the necessity of disciplinary action. However, a member should be advised that he may subject himself to disciplinary action by resisting, and that he will be inoculated with or without his consent in any event. Additionally, prior to any mandatory immunization, the member should be counseled concerning the many other reasons why he should submit to the required inoculation.

c. Isolation and quarantine for cases of suspected or proven communicable disease, when appropriate.

APPENDIX A

EXAMPLES OF TYPES OF POLITICAL ACTIVITY PERMITTED OR PROHIBITED

A–1. Examples of types of political activity permitted. In accordance with the policies established in paragraph 5–29, a member of the Army on active duty may—

a. Register, vote, and express a personal opinion on political candidates and issues, but not as a representative of the Army.

b. Promote and encourage other military personnel to exercise their franchise, provided such promotion does not constitute an attempt to influence or interfere with the outcome of an election.

c. Join a political club and attend its meetings when not in uniform.

d. Serve in a local part-time nonpartisan civil office, appointive or elective, provided the requirements of the office do not interfere with military duties and the member receives the prior approval of the installation commander.

e. Serve as an election official, provided such service is not as a representative of a partisan political party, does not interfere with military duties, is performed while out of uniform, and has the prior approval of the installation commander.

f. Sign a petition for specific legislative action or a petition to place a candidate's name on an official election ballot, provided the signing thereof does not obligate the member to engage in partisan political activity and is taken as a private citizen and not as a representative of the Army.

g. Write a letter to the editor of a newspaper expressing the member's personal views concerning public issues, provided those views do not attempt to promote a partisan political cause.

h. Write a personal letter, not for publication, expressing preference for a specific political candidate or cause, provided the action is not part of an organized letter-writing campaign in behalf of a partisan political cause or candidate.

i. Make monetary contributions to a political party or political committee favoring a particular candidate or slate of candidates subject to the limitations of sections 607 and 608 of title 18 United States Code.

j. Display a political sticker on his or her private automobile.

A–2. Types of activities prohibited. In accordance with the statutory restrictions set forth in appendix B and the policies established in paragraph 5–29, a member of the Army on active duty shall not:

a. Use official authority or influence for the purpose of interfering with an election, affecting the course or outcome thereof, soliciting votes for a particular candidate or issue or requiring or soliciting political contributions from others.

b. Be a partisan candidate for civil office, Federal, State, or local, except under the conditions set forth in paragraph 5–30, or engage in public or organized solicitation of others to become partisan candidates for nomination or election to civil offices.

c. Participate in partisan political management or campaigns, or make public speeches in the course thereof.

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d. Make a campaign contribution to another member of the Armed Forces or to a civilian officer or employee of the United States for the purpose of promoting a political objective or cause.

e. Solicit or receive a campaign contribution from another member of the Armed Forces or from a civilian officer or employee of the United States for the purpose of promoting any political objective or cause.

f. Allow or cause to be published partisan political articles signed or authored by the member for the purpose of soliciting votes for or against a partisan political party or candidate.

g. Serve in any official capacity or be listed as a sponsor of a partisan political club.

h. Speak before a partisan political gathering of any kind to promote a partisan political party or candidate.

i. Participate in any radio, television, or other program or group discussion as an advocate of a partisan political party or candidate.

j. Conduct a political opinion survey under the auspices of a partisan political group, or distribute partisan political literature.

k. Use contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of the Treasury, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present.

l. Participate in the activities and associations listed in AR 604–10, Military Personnel Security Program.

m. Perform clerical or other duties for a partisan political committee during a campaign or on election day.

n. Solicit or otherwise engage in fund raising activities in Federal offices or facilities, including military reservations, for a partisan political cause or candidate.

o. March or ride in a partisan political parade.

p. Display a large political sign, banner, or poster on his or her private automobile (as distinguished from a political sticker).

q. Participate in any organized effort to provide voters with transportation to the polls if the effort is organized by or associated with a partisan political party or candidate.

r. Sell tickets for or otherwise actively promote political dinners and other such fund-raising events.

s. Attend as official representative of the Army, partisan political events even though he does not actively participate.

A–3. Activities not expressly allowed or prohibited. Some activities not expressly prohibited would be contrary to the spirit and intent of this regulation. In determining whether or not an activity violates the traditional concept that military personnel must not engage in partisan political activity, rules of reason and common sense will apply. Any activity that could be interpreted as associating the Department of the Army directly or indirectly with a partisan political cause or candidate must be avoided.

A–4. Nonpartisan political activity. A member of the Army on active duty may participate in local nonpartisan political campaigns. However, a member taking part in local nonpartisan political activity shall not:

a. Wear a uniform while campaigning or use any property or facilities of the Government in the campaign.

b. Allow participation to interfere with or prejudice performance of military duties.

c. Engage in conduct which would in any way imply that the Department of the Army is taking a position or is involved in the campaign.

A–5. Members on active duty for training. Paragraphs 5–29, 5–30, and 5–31 do not apply to members on active duty for training who are serving for a period of not more than 30 days. While on active duty for training, however, a member is expected to—

a. Give full time and attention to the performance of military duties during prescribed duty hours.

b. Avoid any outside activities that would be prejudicial to the performance of military duties or inconsistent with the accepted traditions of the Army.

c. Refrain from participating in any political activity while in military uniform, or using government facilites in furtherance of political activities.

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EXHIBIT D-25A - ARMY REGULATION 360-61, CHAPTER 2

*AR 360-61

ARMY REGULATION
No. 360-61

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *17 July 1969*

ARMY INFORMATION
COMMUNITY RELATIONS

Effective 1 October 1969

This is a complete revision to comply with revised DOD Directive 5410.18 and DOD Instruction 5410.19 and incorporates changes in policy. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to Chief of Information; other commands will furnish one copy of each to the next higher headquarters.

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*This regulation supersedes AR 360-61, 6 May 1966, including all changes; DA Memo 360-7, 19 January 1968; DA Letter, AGAM-P (M) (29 Dec 65) CINFO CLD, 10 January 1966, subject: Articles and Items for Defense Industry Bulletin; and rescinds RCS CINFO-3(R3).

EXHIBIT D-25A

CHAPTER 2
POLICY

2-1. General. The policy of the Department of the Army is to support public events in the civilian domain subject to operational and training requirements, budget limitations, and guidelines enumerated in paragraph 2-3.

2-2. Restrictions. *a.* Army participation (and cooperation) is not authorized when such participation may directly or indirectly (indorse or selectively) benefit (or favor), or appear to (indorse or selectively) benefit (or favor) a private individual, group, corporation (whether for profit or nonprofit), sect, fraternal organization, quasi-religious or ideological movement, political group, or commercial venture, or be associated with solicitation of votes in a political election.

(1) For the purposes of this regulation—

(*a*) Providing use of Government facilities, such as transportation, housing, or messing, at Government expense is considered a form of Army participation.

(*b*) Organizations which may not be selectively benefitted or favored include, but are not limited to, religious and sectarian groups; fraternal organizations as the Knights of Columbus, Loyal Order of the Moose, Knights Templar, Order of the Eastern Star, Free and Accepted Masons (Scottish Rite, York Rite and Shrine), Benevolent and Protective Order of the Elks, Fraternal Order of the Eagles, Independent Order of Odd Fellows, and B'nai B'rith; and quasi-religious or ideological movements or organizations as Moral Rearmament, "Sing Out," and "Up With People."

(*c*) Service or luncheon clubs such as the Kiwanis International, Lions International, Optimists, Rotary International, and Toastmasters International are not considered fraternal groups.

(2) The restriction on indorsing or selectivity benefitting private organizations should not be interpreted as barring any group that offers to provide entertainment on base to military personnel, civilian employees, or dependents. However, promotion of the groups' objectives through handouts, speeches, program content, or other forms of promotion in connection with the entertainment, including the period before and after the entertainment, is strictly prohibited.

(3) Participation which supports commercial advertising, publicity, promotional activities or events so as to benefit or favor a commercial venture is not authorized. However, participation in commercially sponsored programs on audio-visual media, is authorized, provided provisions of AR 360-5 are complied with.

(4) Participation is prohibited in any event for which the public is charged admission specifically to observe Army participation. A general admission charge such as in the case of fairs or conventions is not, in itself, a bar against Army participation. However, no additional charge may be made for the public to see Army participation.

(5) Although participation benefitting or appearing to favor a sect is prohibited, support to nationally recognized veterans organizations of religious or racial orientation is authorized when the program to be supported is oriented to the veteran as opposed to sectarian or national origin objectives of the organization. Similarly, support to nonpublic schools is authorized when the participation is clearly in support of educational programs or when it supports ROTC or personnel procurement programs.

b. Participation is prohibited unless admission, seating, and all other accommodations and facilities connected with the event or activity are available to all without regard to race, creed, color, or national origin. Participation is also prohibited in public events when the sponsoring organization or group excludes any person from its membership or functions because of race, creed, color, or national origin.

c. Participation in, or support of, fund-raising events in the United States will be limited to the federated and joint campaigns recognized by the Federal Services Fund-Raising Program. See paragraph 4-18 for detailed guidance.

d. Participation will be limited in scope and type which is appropriate for the occasion, in good taste, and in keeping with the dignity of the Army.

e. For specific policies for each type of participation, see Chapter 4.

2-3. Programing, budgeting and financing.

a. Major commands and agencies will make provisions in their programing, budget estimates, and financing programs for conducting effective community relations programs consistent with the provisions of this regulation, including the budgeting and financing requirements of the program developed by commanders of unified and specified commands. The cost of participating in or furnishing resources for a community relations event will be the responsibility of the major command or agency involved and must be accomplished within financing available to the major command or agency. The financial requirements for these purposes will be kept to the minimum necessary to accomplish the Army objectives set forth herein.

b. Costs of participation normally will be at Government expense for the following types of activities when such participation is in the interest of the Army and when funds are available:

(1) Public observances of national holidays when sponsored by the Armed Forces or civic organizations.

(2) National Veterans Association conventions.

(3) Official civil ceremonies and functions.

(4) Speaking engagements.

(5) Programed, scheduled tours by the U.S. Army Exhibit Unit when, as determined by the Chief of Information, this method is the most effective and economical way of fulfilling public information and community relations objectives of the Department of the Army.

(6) Scheduled tours by such units as the U.S. Army Field Band when appropriated funds are specifically provided for such tours.

(7) Other events considered to be in the national interest, or in the professional, scientific, or technical interests of the Army, when approved by the Secretary of Defense or by an oversea unified or specified commander. The approval of the Secretary of Defense or the unified or specified commander is not required when participation is limited to attendance by individuals as conferees. In this case, the provisions of AR 1-211 will govern.

c. Participation in all other public events normally will be at no additional cost to the Government. Such events will be financed as follows:

(1) The sponsor will reimburse that cost financed from the operation and maintenance appropriation available to the major command or agency furnishing the Government resources. Additional costs normally include, but are not necessarily limited to, travel and transportation of military personnel and equipment; meals and/or lodging or per diem allowances payable under the provisions of the Joint Travel Regulations; and the transportation, handling, and cost of aviation fuel if such fuel is not available at military contract price at the staging base.

(2) Other services, when required by the nature of the event, will be provided by the sponsor as follows:

(*a*) Ground transportation between an airport and the event, unless within a local installation's community relations area as defined in paragraph 1-3*c*.

(*b*) Rental space, utilities, and custodial services.

(*c*) Public liability and property damage insurance for aerial demonstrations and on specific occasions, Army exhibits.

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(*d*) Such other services determined necessary by the Army element participating in the event and agreed to be provided by the sponsor.

(3) Continuing-type costs to the Government, which would have existed had the Army not participated in the event, will not be reimbursed by the sponsor. Examples of such costs are regular pay and allowances, small incidental expenses of an installation such as local transportation and telephone calls, fuel used in aircraft participation conducted as part of training, and such other minor expenses as may be determined by the commander concerned.

EXHIBIT D-26A - ARMY REGULATION 670-5, PARAGRAPH 1-1 AND 1-2

*AR 670-5

ARMY REGULATION
No. 670-5

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, D.C., *8 January 1971*

UNIFORM AND INSIGNIA

MALE PERSONNEL

Effective 1 March 1971

This is a complete revision of AR 670-5 and changes are made throughout. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army Staff Agencies and major Army commands will furnish one copy of each to Commanding General, U.S. Army Materiel Command, ATTN: AMCDT-DP; other commands will furnish one copy of each to the next higher headquarters.

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* This regulation supersedes AR 670-5, 1 May 1965, including all changes; DA message DCSPER-PSD 011918Z Apr 70 (U), subject: Wear of Special Skill Badges on the Utility Cap; and DA message DCSPER-PSD 271940Z May 70 (U), Subject: Provisions for Wear of the Uniform; and DA message DCSPER-PSD 172825Z Dec 70 (U), subject: Wear of Service Stripes.

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CHAPTER 1
GENERAL

1-1. Purpose. This regulation prescribes the authorized material, design, ornamentation, insignia, accessories, manner, and occasion for the wearing of the uniform by male personnel of the U.S. Army. Only uniforms and items prescribed herein, or as issued, will be worn. Personnel who wear the uniform will be held responsible for conformity to regulations. Wear of optional uniform items will be at the option of the individual and commanding officers will not require the purchase of unauthorized or optional uniform and insignia items unless specifically directed otherwise by Headquarters, Department of the Army. Except as otherwise prescribed, this regulation applies to all male military personnel of the Army except Generals of the Army; the Chief of Staff, U.S. Army; and former chiefs of staff, each of whom may prescribe the articles of uniform for his wear.

1-2. Wearing of uniform. *a.* The uniform will be worn when on duty by all male Army personnel in an active duty status except when special Department of the Army authority to wear civilian clothes on duty is granted. Military personnel accompanying U.S. Army forces in the field and normally authorized by Army regulation to wear civilian clothing on duty for security reasons will wear the insignia described in paragraph 14-46*a* in lieu of insignia of grade or branch on the service or field uniform.

b. The Army uniform will not be worn when engaged in off-duty civilian employment except as provided in paragraphs 3-2 and 3-3.

c. Installation commanders will prescribe the wearing of the winter or summer service uniforms in conformance with AR 670-6.

d. The wearing of combinations of various articles of the uniform other than combinations prescribed by regulations and by tables of allowances is prohibited.

e. Except when specifically prohibited, uniform items changed in design or material may continue to be worn until no longer serviceable.

f. The wearing of the uniform of any of the Armed Forces is prohibited under any of the following circumstances:

(1) At any meeting or demonstration which is a function of, or sponsored by any organization, association, movement, group, or combination of persons which the Attorney General of the United States has designated as totalitarian, fascist, Communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of Government of the United States by unconstitutional means.

(2) During or in connection with the furtherance of private employment or commercial interests when an inference of official sponsorship for the activity or interest would be drawn.

(3) Under circumstances which would tend to bring discredit upon the Armed Forces.

(4) Under such circumstances as may be specified and published by the Secretary of the military department concerned.

(5) Except when authorized by competent service authority, when participating in activities, such as public speeches, interviews, picket lines, marches, rallies, or any public demonstration (including those pertaining to civil rights), which may imply service sanction of

Exhibit D-26A - Army Regulation 670-5, Paragraph 1-1 and 1-2

the cause for which the demonstration or activity is being conducted.

g. For retirement ceremonies see paragraph 3–8.

1–3. Wearing of civilian clothing. *a. CONUS.* Civilian clothing may be worn when off duty unless such wear is prohibited by the commanding general of a CONUS army, or the Commanding General, Military District of Washington, U.S. Army.

b. Overseas. Oversea commanders may authorize the off-duty wear of civilian clothing in areas within their command when deemed advisable.

1–4. Uniformity of material. *a.* When an individual exercises his option to choose among various fabrics authorized for the uniforms, he must be consistent so that the coat (or shirt when worn as an outer garment) and trousers are of the same type material. Garrison caps of Army Green shades 44 and 344 may be worn interchangeably with uniforms of either shade.

b. Wherever gold lace or gold bullion ornamentation and stripes are prescribed for wear with uniforms in this regulation, gold color nylon or rayon may be substituted subject to the following limitations:

(1) If trouser and sleeve ornamentation is gold bullion, cap decoration and shoulder strap insignia must be bullion.

(2) If trouser and sleeve ornamentation is of synthetic material, cap ornamentation and shoulder strap insignia may be of either bullion or synthetic material.

(3) Ornamentation on visor of Army Green service cap will be of gold bullion or anodized aluminum of 24 karat gold color at option of purchaser.

1–5. Wearing of civilian decorations and jewelry. No jewelry, watch chains, or similar civilian items will appear exposed on the uniform. The wear of a personal wrist watch, identification bracelet or ring is authorized as long as the style is conservative and in good taste. The wear of a purely religious medal on a chain around the neck is authorized as long as it is not exposed. The wear of a fad device, a vogue medallion, a personal talisman or amulet when in uniform or on duty is forbidden. Any item of personal wear that has disruptive, moral or social overtones whether basically an accepted item of wear may be declared an unauthorized item by the responsible unit commander. The only civilian decorations or ribbons which may be worn on the uniform are as authorized by AR 672–5–1.

1–6. Wearing of identification tags, security identification badges, nameplates, and nametapes. *a. Tags, identification.* Identification tags will be worn by each member of the Army at all times when in the field, when engaged in field training, when traveling in aircraft, or when outside the continental limits of the United States.

b. Badges, security identification. Security identification badges or cards may be worn in restricted areas as prescribed by the commanding officer. Wear of security badges outside of restricted areas is prohibited.

c. Plate, name. Nameplates will be worn on the uniform when prescribed by the commanding officer. When prescribed, they will be provided without cost to the individual (CTA 50–901). Costs incurred in this connection are chargeable to OMA funds. Plates will conform to the following:

(1) *Size.* 1 by 3 by $\frac{1}{4}$ inches (may be longer in case of lengthy names).

(2) *Color.* Jet black background, with white border not to exceed 1/32 inch in width.

(3) *Material.* Laminated plastic, nonglossy finish.

(4) *Lettering.* White, indented, block-type lettering $\frac{3}{8}$ inch in height and centered on the plate. Use last name only.

(5) *Attachment.* Clutch back.

(6) *Placement.* To be worn on the flap of the right breast pocket, centered between the top of the button and the top of the pocket.

d. Tapes, name. A nametape will be worn on each item of utility and field clothing on which

EXHIBIT D-33A - FORT DIX REGULATION 210-26

United States of America

DEPARTMENT OF THE ARMY

Fort Dix, NJ (PLACE) 13 Jan 71 (DATE)

I HEREBY CERTIFY that the attached document is a true copy of Ft Dix Regulation 210-26, Installations - Demonstrations, effective 9 April 1968.

JAMES J. RECA
CW2, USA
Act Asst AG

I HEREBY CERTIFY that , who signed the foregoing certificate, is the , and that full faith and credit should be given to his certification.

IN TESTIMONY WHEREOF I, , Secretary of the Army, have hereunto caused the seal of the Department of the Army to be affixed and my name to be subscribed by the Administrative Assistant of the said Department, at the City of Washington, this day of , 19

Secretary of the Army.

By
Administrative Assistant.

DA FORM 1 MAR 66 4 REPLACES EDITION OF 1 OCT 47, WHICH WILL BE USED.

EXHIBIT D-33A

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Exhibit D-33A - Fort Dix Regulation 210-26

DEPARTMENT OF THE ARMY
HEADQUARTERS US ARMY TRAINING CENTER, INFANTRY
Fort Dix, New Jersey 08640

REGULATION NUMBER 210-26

9 April 1968

Office of the Staff Judge Advocate
Fort Dix, New Jersey

INSTALLATIONS

DEMONSTRATIONS

1. PURPOSE:

This regulation establishes policy concerning demonstrations, picketing, protest marches and similar activities on the Fort Dix Military Reservation.

2. PROHIBITED PRACTICES:

a. Demonstrations, picketing, sit-ins, protest marches, political speeches and similar activities are prohibited and will not be conducted on the Fort Dix Military Reservation.

b. No one shall enter on this installation for any of the purposes prohibited by this regulation and such entry will constitute a violation of Title 18, United States Code, Section 1382, which provides in part that ... "whoever, within the jurisdiction of the United States, goes upon any military ... reservation, post, fort, arsenal, yard, station or installation, for any purpose prohibited by law or lawful regulation ... shall be fined not more than $500.00 or imprisoned not more than six months, or both."

3. RESPONSIBILITIES:

Any individual having knowledge of a violation of this regulation will contact the Provost Marshal as expeditiously as possible.

FOR THE COMMANDER:

(AHBOGA)

OFFICIAL:

R. St. Pierre

R. ST. PIERRE
LTC, AGC
Asst AG

DAVID A. GILE
Colonel, GS
Chief of Staff

This regulation supersedes Regulation 210-26 (0), this headquarters, 20 September 1967, subject: Demonstrations.

EXHIBIT D-34A - FORT DIX REGULATION 210-27

United States of America

DEPARTMENT OF THE ARMY

Fort Dix, NJ (PLACE) 18 Jan 73 (DATE)

I HEREBY CERTIFY that the attached document is a true copy of Fort Dix Regulation 210-27, Unauthorized Publications and Petitions, effective 14 December 1970.

JAMES J. RECA
CW2, USA
Act Asst AG

I HEREBY CERTIFY that , who signed the foregoing certificate, is the , and that full faith and credit should be given to his certification.

IN TESTIMONY WHEREOF I, , Secretary of the Army, have hereunto caused the seal of the Department of the Army to be affixed and my name to be subscribed by the Administrative Assistant of the said Department, at the City of Washington, this day of , 19

Secretary of the Army.

By
Administrative Assistant.

DA FORM 1 MAR 62 4 REPLACES EDITION OF 1 OCT 47, WHICH WILL BE USED

EXHIBIT D-34A

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[redacted] of the Staff
Fort Dix, New Jersey

Exhibit D-34A - Fort Dix Regulation 210-27

DEPARTMENT OF THE ARMY
HEADQUARTERS US ARMY TRAINING CENTER, INFANTRY, AND FORT DIX
Fort Dix, New Jersey 08640

REGULATION
NUMBER 210-27

14 December 1970

INSTALLATIONS

UNAUTHORIZED PUBLICATIONS AND PETITIONS

1. PURPOSE: This regulation establishes policy concerning the distribution or posting of handbills, circulars, pamphlets and other writings or publications of any nature and the circulation of petitions on the Fort Dix Military Reservation.

2. PROPER PRACTICES: The distribution or posting of handbills, circulars, pamphlets or other writings or publications issued by commanders and staff agencies relating to the performance of their respective missions is authorized.

3. PROHIBITED PRACTICES:

a. The distribution or posting of any publication, including newspapers, magazines, handbills, flyers, circulars, pamphlets or other writings, issued, published or otherwise prepared by any person, persons, agency or agencies other than those set forth in paragraph 2, above, and paragraph 5, below, is prohibited on the Fort Dix Military Reservation without prior written approval of the Adjutant General, this headquarters.

b. The circulation on Fort Dix of any petition for signature of any person, military or civilian, assigned to, working at or located on Fort Dix, New Jersey, by any person, is prohibited without prior written approval of the Adjutant General, this headquarters.

c. No one shall enter this installation for any of the purposes prohibited by this regulation, and such entry will constitute a violation of Title 18, United States Code, Section 1382, which provides in part that "...whoever, within the jurisdiction of the United States, goes upon any military reservation, post, fort, arsenal, yard, station or installation, for any purpose prohibited by law or lawful regulation...shall be fined not more than $500.00 or imprisoned not more than six months, or both."

4. RESPONSIBILITIES:

a. Any person having knowlege of a violation of this regulation will immediately report the incident to his commanding officer or supervisor for appropriate action.

This regulation supersedes Regulation 210-27, this headquarters, 30 April 1970, subject: Unauthorized Publications and Petitions.

b. When the offender is a civilian, the incident will be reported to the Provost Marshal for disposition.

5. ADMINISTRATIVE INSTRUCTIONS:

a. Fort Dix Regulation 210-6 controls the issuance of authorizations for the conduct of business by private concerns on this reservation. Individuals not specifically covered within the cited regulation will be referred to the Adjutant General, this headquarters.

b. Fort Dix Regulation 600-1b governs fund-raising activities on the reservation.

c. AR 210-20 and DA Pamphlet 20-3 govern the operation of the Special Services Army Library Service.

d. Persons requesting information about the sale or distribution of commercial magazines or commercial newspapers should be directed to the Post Exchange officer.

e. AR 360-81 governs the publication of Armed Forces newspapers internally or by civilian enterprise publications.

f. This regulation does not apply to publications of nonappropriated funds, unit funds and private associations which have been established in accordance with applicable Army regulations.

(AGAM)

FOR THE REMINDER:

OFFICIAL:

JAMES W. LOVE
Colonel, GS
Chief of Staff

C. W. GABORIK
Major, AGC
Deputy AG

DISTRIBUTION: (DL 70)
A

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